

charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Amazon Brand."

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1659. Adulteration of pecan pieces. U. S. v. 39 Cases of Pecan Halves (and 3 other seizure actions against pecan halves or pieces). Consent decrees of condemnation. Product ordered released under bond conditioned that unfit portion be disposed of for animal feed. (F. D. C. Nos. 2639, 2640. Sample Nos. 30181-E to 30186-E, incl.)**

Many of the nuts in the samples of this product which were examined, were found to have a phenolic odor and taste.

On August 23, 1940, the United States attorney for the Northern District of Illinois filed libels against 288 cases of pecan pieces at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 20 and 22, 1940, from Clarksville, Tex., Boston, Mass., and New York, N. Y., by Black Bros.; and charging that it was adulterated.

The article was alleged to be adulterated in that it was unfit for food by reason of the presence of phenolic compounds rendering it inedible; in that an article containing added phenolic compounds had been substituted wholly or in part for pecans; and in that the phenolic compounds had been added thereto so as to reduce its quality.

On February 11 and 19, 1941, James P. Gallagher and Peter Acquilina, Chicago, Ill., claimants for respective portions of the product, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated from the remainder and disposed of for animal feed.

**1660. Adulteration of peanuts. U. S. v. 20 Bags of Peanuts. Consent decree of condemnation and destruction with provision for release under bond. Attempted salvage unsuccessful and product destroyed. (F. D. C. No. 2822. Sample No. 26610-E.)**

This article had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On September 13, 1940, the United States attorney for the Western District of Washington filed a libel against 20 bags of peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 30, 1940, by the Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 31, 1940, Joseph Vinikow, Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be destroyed, but that it might be released under bond for attempted salvage by sorting out the unfit nuts. The attempt to eliminate the unfit material was unsuccessful and the product was destroyed.

**1661. Adulteration of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 3596. Sample No. 35244-E.)**

Samples of this product were found to contain rodent excreta and rodent hairs.

On December 27, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 25 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 6, 1940, by the Sessions Co. from Enterprise, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Armour's Star Peanut Butter."

On February 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### OLIVE OIL

**1662. Adulteration and misbranding of olive oil. U. S. v. Joe Grillo. Plea of guilty. Fine, \$400. Payment suspended and defendant placed on probation for 3 years. (F. D. C. No. 2090. Sample Nos. 64224-D, 83397-D.)**

This product consisted in large part of cottonseed oil.

On July 1, 1940, the United States attorney for the Southern District of California filed an information against Joe Grillo, San Pedro, Calif., alleging ship-

ment on or about December 2 and 13, 1939, from the State of California into the State of Washington of quantities of olive oil that was adulterated and misbranded. The article was labeled in part: (Cans) "Olive Oil."

It was alleged to be adulterated in that a substance consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil; and in that a substance consisting essentially of cottonseed oil had been mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statement "Olive Oil," borne on the cans, was false and misleading since it represented that the article consisted wholly of olive oil; whereas it did not so consist but did consist essentially of cottonseed oil. It was alleged to be misbranded further in that it was a food consisting essentially of cottonseed oil and was offered for sale under the name of another food, i. e., "olive oil."

On July 29, 1940, a plea of guilty was entered and the court imposed a fine of \$400, payment of which was suspended and the defendant was placed on probation for 3 years.

**1663. Adulteration and misbranding of olive oil. U. S. v. 45 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2800. Sample No. 36216-E.)

This product was cottonseed oil, containing little or no olive oil, and was artificially flavored to simulate olive oil.

On September 12, 1940, the United States attorney for the District of Maine filed a libel against 45 cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Alberti Importing & Exporting Co., Inc., from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panel) "Berta Brand Oil. Contains Pure Olive Oil and Cottonseed Oil \* \* \* Packed by Alba Products Co., Boston, Mass."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil, containing little or no olive oil, and artificially flavored to simulate olive oil had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the picture of a woman in garb suggesting Italian origin, the prominent designation "Olio," the Italian brand name "Berta," and the designations "A superior oil" and "Olio Sopraffino," were false and misleading as applied to an artificially flavored cottonseed oil containing little or no olive oil since they implied that it was essentially olive oil. It was alleged to be misbranded further in that its label bore representations in Italian, but the quantity of contents statement and names of the ingredients failed to appear on the label in Italian, as required by or under authority of the law. The article was misbranded further in that it contained artificial flavoring and did not bear labeling stating that fact.

On October 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1664. Adulteration and misbranding of olive oil. U. S. v. 22 Cans of Oil. Default decree of condemnation and destruction.** (F. D. C. No. 2829. Sample No. 36217-E.)

This product was essentially cottonseed oil and contained little or no olive oil, and was artificially flavored and colored to simulate olive oil.

On September 16, 1940, the United States attorney for the District of Maine filed a libel against 22 cans of oil at Biddeford, Maine, alleging that the article had been shipped in interstate commerce on or about July 25, 1940, by the Cara Donna Packing Co. from Boston, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: (Main panels) "Fine Table Oil Composed of 80% Domestic Vegetable Oil 20% Imported Olive Oil Di Lusso Brand."

The article was alleged to be adulterated in that a substance, namely, cottonseed oil containing little or no olive oil and artificially flavored and colored to simulate olive oil, had been substituted wholly or in part for the article.

It was alleged to be misbranded in that it was an imitation of another food, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; in that the label contained representations in Italian and the information required by or under authority of the law to appear on the label did not appear thereon in Italian; in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each ingredient; and in that it con-