

**4478. Adulteration of peanut butter. U. S. v. 1,663 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 8312. Sample No. 28242-F.)**

This product was made from peanuts, some of which were insect-infested, others decomposed, and still others contaminated with rodent excreta.

On September 4, 1942, the United States attorney for the Northern District of Georgia, filed a libel against 1,663 cases, each containing 12 1-pound, 9-ounce jars, of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Dillon's Peanut Butter."

On November 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4479. Adulteration of peanut butter. U. S. v. 100 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 8506. Sample No. 4740-F.)**

This product contained sand.

On October 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 100 cases, each containing 12 jars of peanut butter, at Dayton, Ohio, which had been consigned on or about August 15, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kenny's Norwood Peanut Butter."

On November 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### OLIVE OIL

**4480. Adulteration and misbranding of olive oil. U. S. v. Albert Maltese. Plea of guilty. Fine, \$200 (\$100 on each of 2 counts) and 3 months' jail sentence on each count to run concurrently. (F. D. C. No. 7307. Sample No. 64681-E.)**

On September 30, 1942, the United States attorney for the Eastern District of New York filed an information against Albert Maltese at Brooklyn, N. Y., alleging shipment in interstate commerce on or about January 15, 1942, from the State of New York into the State of Pennsylvania of a quantity of oil that was adulterated and misbranded. The article was labeled in part: (Can) "Net Contents One Gallon Roberta Brand Pure Olive Oil."

The article was alleged to be adulterated (1) in that a substance consisting essentially of cottonseed oil, artificially flavored and artificially colored, and containing little, if any, olive oil had been substituted wholly or in part for olive oil, which it was represented to be; (2) in that it was inferior to olive oil and its inferiority had been concealed by the addition of artificial flavoring and artificial coloring; (3) in that artificial flavoring and artificial coloring had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was; and (4) in that it contained a coal-tar color other than one from a batch that had been certified in accordance with regulations as provided by law.

It was alleged to be misbranded (1) in that the statements, "Pure Olive Oil Imported from Lucca Toscana Italy," "Imported Pure Olive Oil This oil is guaranteed to be absolutely pure under chemical analysis," and similar statements in Italian together with the designs of gold medals, olive branches, and olives borne on the cans, were false and misleading since they represented and suggested that the article consisted of imported pure olive oil, whereas, it consisted essentially of cottonseed oil containing little, if any, olive oil; (2) in that it was offered for sale under the name of another food, namely, olive oil; (3) in that it was colored and flavored in imitation of olive oil 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; (4) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; (5) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient; and (6) in that it contained artificial flavoring and artificial coloring and did not bear labeling stating those facts.

On December 12, 1942, a plea of guilty having been entered by the defendant, the court imposed total fines of \$200, and also sentenced the defendant to 3 months imprisonment on each of the 2 counts of the information, the jail sentences to run concurrently.

**4481. Adulteration of olive oil. U. S. v. Michele Casinelli. Plea of guilty. Fine \$100.** (F. D. C. No. 7711. Sample No. 89095-E.)

On December 14, 1942, the United States attorney for the Southern District of California filed an information against Michele Casinelli, trading and doing business as M. Casinelli, at San Bernardino, Calif., alleging shipment on or about February 18, 1942, from the State of California into the State of New York of a quantity of olive oil that was adulterated and misbranded. The article was described in the freight bill as "20 ctns. Olive Oil in tins."

The article was alleged to be adulterated in that a mixture of cottonseed oil and olive oil had been substituted wholly or in part for olive oil, which said article was represented to be.

The article was alleged to be misbranded (1) in that it consisted of a mixture of cottonseed oil and olive oil and was offered for sale under the name of another food, olive oil; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents in terms of measure; and (3) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

On December 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

**4482. Adulteration and misbranding of olive oil. U. S. v. 10 Cans of Olive Oil. Default decree of condemnation. Product ordered denatured and utilized for war purposes.** (F. D. C. No. 7609. Sample No. 64874-E.)

On June 5, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 10 cans of olive oil at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about April 10, 1942, by the Pennsylvania Macaroni Co., Inc., from Pittsburgh, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Very Best Virgin Olive Oil Savoy Brand."

It was alleged to be adulterated in that a mixture of olive oil and cottonseed oil had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Very Best Virgin Olive Oil Guaranteed Absolutely pure under chemical analysis. The fruit is prepared by experts to make the finest, purest olive oil," and similar statements in Italian and the designs of crown, shield, and olive branch in the labeling were false and misleading as applied to an article that was a mixture of olive oil and cottonseed oil; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name for each such ingredient.

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and sold for war purposes.

### VITAMIN PREPARATIONS

**4483. Adulteration and misbranding of vitamin tablets. U. S. v. Michael J. Walsh (Dietary Laboratories). Plea of nolo contendere. Fine, \$150.** (F. D. C. No. 7693. Sample No. 80193-E.)

On October 8, 1942, the United States attorney for the Southern District of California filed an information against Michael J. Walsh, trading as Dietary Laboratories, at San Diego, Calif., alleging shipment on or about March 12, 1942, from the State of California into the State of Ohio of a quantity of vitamin tablets that were adulterated and misbranded. The article was labeled in part "Natural Vitamin B-Complex Tablets \* \* \* Each Tablet Contains Not Less Than: 111 International Units Vitamin B<sub>1</sub>."

The article was alleged to be adulterated in that a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted since it was represented to contain not less than 111 International units of vitamin B<sub>1</sub> per tablet and it contained not more than 55 U. S. P. units of vitamin B<sub>1</sub> per tablet, which is equivalent to not more than 55 International units of vitamin B<sub>1</sub> per tablet.