

and 104 30-pound cases at Cleveland, Ohio. Examination of the product showed the presence of *Escherichia coli*, an organism which indicates pollution of fecal origin.

**LABEL, IN PART:** "Red Seal Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of *E. coli*.

**DISPOSITION:** May 10 and August 2, 13, and 29, 1946. Thad Huckabee appeared as claimant for the 2 Memphis lots, 1 of the Tampa lots, and the Cleveland lot, and consented to the entry of decrees. Judgments of condemnation were entered, and these 4 lots were ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

On August 7, 1946, no claimant having appeared for the other 2 Tampa lots, judgments of condemnation were entered and the product was ordered destroyed.

**10673. Adulteration of shelled pecans and pecan pieces. U. S. v. 75 Boxes of Shelled Pecans and 5 Boxes of Pecan Pieces. (F. D. C. Nos. 18228, 18467. Sample Nos. 861-H, 4656-H.)**

**LIBELS FILED:** October 29 and November 27, 1945, Northern District of Georgia and Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about March 26 and October 19, 1945, by the Orangeburg Pecan Co., from Orangeburg, S. C.

**PRODUCT:** 75 60-pound boxes of shelled pecans at Atlanta, Ga., and 5 30-pound boxes of pecan pieces at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances by reason of the presence of moldy, rancid, and decomposed pecans.

**DISPOSITION:** On November 5, 1945, the Columbia Baking Co., Atlanta, Ga., claimant for the Atlanta lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit and usable portion, under the supervision of the Food and Drug Administration. The remainder of this lot was to be utilized for stock feed or destroyed.

On January 10, 1946, no claimant for the Philadelphia lot having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as stock feed.

**10674. Adulteration of shelled walnuts. U. S. v. 245 Cases \* \* \*. (F. D. C. No. 18070. Sample No. 36934-H.)**

**LIBEL FILED:** November 5, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 28, 1945, by the California Walnut Growers Association, Los Angeles, Calif.

**PRODUCT:** 245 cases of shelled walnuts at Seattle, Wash.

**LABEL, IN PART:** "Emerald Brand Grade Pieces 25 Pounds Net Weight Shelled Walnuts."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged walnut meats.

**DISPOSITION:** January 23, 1946. The California Walnut Growers Association, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated from the fit portion, under the supervision of the Federal Security Agency.

**10675. Adulteration of walnut meats. U. S. v. 30 Cases \* \* \*. (F. D. C. No. 17987. Sample No. 36791-H.)**

**LIBEL FILED:** October 18, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 29, 1945, by the L. DeMartini Co., from San Francisco, Calif.

**PRODUCT:** 30 25-pound cases of walnut meats at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-damaged and moldy walnut meats.

**DISPOSITION:** December 7, 1945. The L. DeMartini Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the separation of the fit from the unfit portion, under the supervision of the Federal Security Agency, and the disposition of both portions in compliance with the law.

**10676. Adulteration of Cream of Nuts. U. S. v. 25, 15, and 8 Cases \* \* \*.**  
(F. D. C. No. 18277. Sample Nos. 13650-H to 13652-H, incl.)

**LABEL FILED:** November 8, 1945, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about July 10, 1945, by the Hoover Food Products Corporation, from Chicago, Ill.

**PRODUCT:** 48 cases of Cream of Nuts at Knoxville, Tenn. The product was labeled to indicate that it contained appreciable amounts of peanuts, almonds, or black walnuts, whereas it consisted chiefly of water, with small amounts of ground nuts or other fatty substance, sugar, and starch.

**LABEL, IN PART:** "Cream of Nuts Homogenized Peanut [or "Almond," or "Black Walnut"] Contents 10½ Ozs. Nunut Foods, Inc. Plainwell, Michigan."

**NATURE OF CHARGE:** Adulteration in violation of Section 402.

**DISPOSITION:** On January 5, 1946, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On April 19, 1946, the decree was amended to permit the Fat Salvage Unit, War Production Board, to take possession of the goods if it so desired, in order to salvage the fat.

#### OILS AND FATS

**10677. Adulteration and misbranding of edible oil. U. S. v. Caruso Products Distributing Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 15563. Sample Nos. 82315-F, 94202-F, 94203-F.)**

**INFORMATION FILED:** August 3, 1945, District of New Jersey, against the Caruso Products Distributing Corporation, Newark, N. J.

**ALLEGED SHIPMENT:** On or about June 20 and October 2, 1944, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** (Cans) "Sublime Product Extra Fine Oil Signora Brand Pure Oil Corn and Olive Oil One Gallon Net \* \* \* Packed for J. Guarino, Newark, N. J."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an oil of the nature of soybean oil, with some peanut oil present, in 1 lot, and an artificially flavored mixture of corn and cottonseed oil in the other lot, with little or no olive oil present in either lot, had been substituted in whole or in part for corn and olive oil.

Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since it represented and implied that the product consisted of a mixture of corn oil and olive oil, and that olive oil was present in a substantial amount, whereas a portion of the product consisted essentially of a mixture of an oil of the nature of soybean oil, with some peanut oil present, and the other portion of the product consisted essentially of an artificially flavored mixture of corn oil and cottonseed oil, and the mixtures contained little, if any, olive oil. Further misbranding, Section 403 (i) (2), the product was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each ingredient; Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents since the containers were labeled "One Gallon Net" and contained less than one gallon; and, Section 403 (k), a portion of the product contained artificial flavoring and failed to bear labeling stating that fact.

**DISPOSITION:** March 8, 1946. A plea of guilty having been entered, the defendant was fined \$100 on each of the 4 counts of the information.

**10678. Adulteration and misbranding of edible oil. U. S. v. 27 and 27 Cans \* \* \*.**  
(F. D. C. No. 17563. Sample Nos. 7305-H, 7306-H, 7341-H, 7342-H.)

**LABEL FILED:** September 17, 1945, District of New Jersey.