

**13172. Adulteration of pecan meats. U. S. v. Marion H. Felder, plant manager of the Orangeburg Pecan Co. Plea of guilty. Sentence of 240 days' imprisonment and fine of \$1,200. Upon payment of fine, jail sentence suspended and defendant placed on 1 year's probation. (F. D. C. No. 21553. Sample Nos. 1913-H, 4656-H, 8996-H, 41754-H.)**

**INFORMATION FILED:** April 14, 1947, Eastern District of South Carolina, against Marion H. Felder, plant manager of the Orangeburg Pecan Co., Orangeburg, S. C.

**ALLEGED SHIPMENT:** On or about October 19, 1945, and March 13 and 23 and April 19, 1946, from the State of South Carolina into the States of Pennsylvania, New York, West Virginia, and Georgia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of moldy, rancid, shriveled, and otherwise decomposed pecans.

**DISPOSITION:** November 1, 1947. A plea of guilty having been entered, the defendant was sentenced to 240 days in jail and fined \$1,200. On November 21, 1947, upon payment of the \$1,200 fine, the remainder of the sentence was suspended and the defendant was placed on 1 year's probation.

**13173. Adulteration of pecan meats. U. S. v. 70 Cases \* \* \*. (F. D. C. No. 22856. Sample Nos. 69084-H, 69085-H.)**

**LIBEL FILED:** April 23, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 13, 1947, by the Acker Pecan & Produce Co., from Albany, Ga.

**PRODUCT:** 70 25-pound cases of pecan meats at Chicago, Ill.

**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* in 26 cases and rodent hairs in 44 cases; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 5, 1947. L. D. Acker, trading as the Acker Pecan & Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by washing to remove all filth, by drying and heating in order to kill any contaminating organisms, and by segregating and denaturing any unfit portion for use as animal feed, under the supervision of the Food and Drug Administration.

**13174. Adulteration of pecans. U. S. v. 14 Bags \* \* \*. (F. D. C. No. 24165. Sample No. 12230-K.)**

**LIBEL FILED:** December 4, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 17, 1947, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** 14 bags, each containing 100 pounds, of pecans at Philadelphia, Pa.

**LABEL, IN PART:** "Apex Large Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed pecans, and it was otherwise unfit for food by reason of the presence of shriveled pecans.

**DISPOSITION:** June 21, 1948. The Shingler Pecan Co., the sole intervener, having failed to answer or otherwise plead, judgment of condemnation and destruction was entered.

**13175. Adulteration of walnuts. U. S. v. 35 Cartons \* \* \*. (F. D. C. No. 17174. Sample Nos. 29890-H, 29892-H, 29893-H.)**

**LIBEL FILED:** August 23, 1945, Territory of Hawaii.

**ALLEGED SHIPMENT:** On or about July 27, 1945, by American Factors, Ltd., from San Francisco, Calif.

**PRODUCT:** 35 25-pound cartons of walnuts at Honolulu, T. H.

**LABEL, IN PART:** "Ruby Grade Sunset Brand Sunset Nut Shelling Co. San Francisco, California."

**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 worm-damaged walnuts, and of a decomposed substance by reason of the presence of moldy walnuts.

**DISPOSITION:** November 5, 1945. The shipper having admitted that the product was adulterated and having consented to the entry of a decree, judgment of condemnation was entered. The product was ordered forfeited and was destroyed.

### OILS AND FATS

**13176. Adulteration of olive oil, table oil, and macaroni and noodle products. U. S. v. Chicago Macaroni Co. and Joseph S. Matalone. Pleas of guilty. Fine, \$1,500 jointly against the defendants.** (F. D. C. No. 22036. Sample Nos. 19483-H, 19484-H, 19764-H, 38440-H, 51226-H, 51228-H to 51230-H, incl., 51757-H, 51759-H, 51765-H, 51766-H.)

**INFORMATION FILED:** April 23, 1947, Northern District of Illinois, against the Chicago Macaroni Co., a corporation, Chicago, Ill., and Joseph S. Matalone, secretary.

**ALLEGED SHIPMENT:** Between the approximate dates of April 11 and September 23, 1946, from the State of Illinois into the States of Minnesota and Michigan.

**LABEL, IN PART:** "Extra Cyrilla Imported Olive Oil," "Italy Brand Table Oil Blend An Excellant Composition of Eighty Per Cent of Corn Oil and Twenty Per Cent of Pure Olive Oil," "Cyrilla Brand Macaroni [or "Pure Egg Noodles"]," or "Italy Brand Macaroni."

**NATURE OF CHARGE:** Olive oil. Adulteration, Section 402 (b) (2), oils other than olive oil had been substituted in part for olive oil.

Table oil. Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been omitted; and, Section 402 (b) (2), a product containing little or no olive oil had been substituted for a blend of eighty percent corn oil and 20 percent pure olive oil.

Macaroni and noodle products. Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, rodent hairs, and hairs resembling rodent or cat hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** September 10, 1947. Pleas of guilty having been entered, the court imposed a fine of \$1,500 jointly against the defendants.

**13177. Adulteration and misbranding of oil. U. S. v. Emperor Dairy Products, Inc., and Benny Maniscalco. Plea of guilty. Fine, \$500.** (F. D. C. No. 23260. Sample Nos. 65637-H, 65638-H, 65647-H, 65648-H.)

**INFORMATION FILED:** December 10, 1947, Southern District of New York, against Emperor Dairy Products, Inc., New York, N. Y., and Benny Maniscalco, president.

**ALLEGED SHIPMENT:** On or about October 28 and 30 and November 4, 1946, from the State of New York into the State of Pennsylvania.

**LABEL, IN PART:** "Contents One Gallon Emperor Brand Extra Quality Oil 80% Peanut Oil and 20% Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially flavored vegetable oil of the nature of soybean oil had been substituted for "80% Peanut Oil and 20% Pure Olive Oil"; and, Section 402 (b) (4), artificial flavoring had been added to the article so as to make it appear to be a product containing a substantial amount of olive oil.

Misbranding, Section 403 (a), the label statement "80% Peanut Oil and 20% Pure Olive Oil" was false and misleading, since the product contained little or no peanut oil and olive oil, and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the cans contained less than one gallon as declared.

**DISPOSITION:** January 26, 1948. Pleas of guilty having been entered on behalf of the defendants, a fine of \$500 was imposed.