

13342. Misbranding of peanut butter. U. S. v. 61 Cases, etc. (F. D. C. No. 24844. Sample Nos. 27170-K, 27171-K.)

LIBEL FILED: June 26, 1948, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about March 30, 1948, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

PRODUCT: Peanut butter. 61 cases, each purporting to contain 12 24-ounce jars, and 63 cases, each purporting to contain 24 12-ounce jars, at Danville, Ill.

LABEL, IN PART: "Nibbler Brand Peanut Butter Mfd. by Goody-Goody Products Co., Indianapolis, Ind. Net Weight 1 Lb. 8 Oz. [or "Net Weight 12 Oz."]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the declared amount.)

DISPOSITION: June 26, 1948. The J. H. Erbrich Products Co. and the Paxton Wholesale Grocer Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, the jars to be refilled in accordance with the label weight declaration, under the supervision of the Food and Drug Administration.

13343. Misbranding of peanut butter. U. S. v. 4 Cases * * *. (F. D. C. No. 24615. Sample No. 27161-K.)

LIBEL FILED: April 30, 1948, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 10, 1948, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

PRODUCT: 4 cases, each containing 24 jars, of peanut butter at Decatur, Ill.

LABEL, IN PART: "Ward Rose Peanut Butter Net Wt. 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the declared 1 pound.)

DISPOSITION: June 3, 1948. Default decree of condemnation. The product was ordered delivered to institutions.

13344. Misbranding of pecan spread and apple cider jelly. U. S. v. 8 Cases, etc. (F. D. C. Nos. 20405, 20417. Sample Nos. 59287-H to 59289-H, incl.)

LIBELS FILED: August 21, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about March 12, May 5, and June 7, 1946, by the Great Western Mushroom Co., from Denver, Colo.

PRODUCT: 10 cases, each containing 24 jars, of pecan spread and 8 cases, each containing 24 jars, of apple cider jelly at Portland, Oreg. Examination showed that the products were short-weight.

LABEL, IN PART: "Savery Savory Pecans in Honey with Brandy Net Weight 10 Ounces," "Savery Savory Spun Pecan Spread Contains: Pecans Honey and Brandy * * * Net Wt. 5 Ozs.," and "Savery Savory Apple Cider Jelly Honey with Pecans and Lemon * * * Net Wt. 5 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents.

Further misbranding (jelly), Section 403 (a), the designation "Apple Cider Jelly" was misleading, since it implied that the article was apple jelly, whereas it was not apple jelly.

DISPOSITION: November 14, 1946. Default decrees of condemnation and destruction.

OILS AND FATS

13345. Misbranding of Ramol (mineral oil). U. S. v. Warren J. Frank and Douglass B. Pew (Frank Pew Oil Co.). Pleas of guilty. Fine of \$300 and costs against defendant Frank and fine of \$600 and costs against defendant Pew. (F. D. C. No. 23214. Sample No. 50106-H.)

INFORMATION FILED: August 5, 1947, Northern District of Ohio, against Warren J. Frank and Douglass B. Pew, trading as copartners under the name of the Frank Pew Oil Co., Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of May 1 and July 2, 1946, from the State of Ohio into the State of Texas.

NATURE OF CHARGE: Misbranding, Section 403 (b), the article consisted of mineral oil, a nonnutritive substance, and it was offered for sale under the name of another food, salad oil, a nutritive substance; and, Section 403 (i), the label of the article failed to bear the common or usual name of the food, mineral oil.

The information charged also misbranding of another shipment of Ramol, which was represented to be a drug, under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2398.

DISPOSITION: December 19, 1947. Pleas of guilty having been entered, the court imposed a fine of \$300 and costs against defendant Frank and a fine of \$600 and costs against defendant Pew.

13346. Adulteration and misbranding of oil. U. S. v. 6 Cans * * * (and 3 other seizure actions). (F. D. C. Nos. 21944, 21946, 22137, 22141. Sample Nos. 65637-H, 65638-H, 65647-H, 65650-H.)

LIBELS FILED: December 5 and 30, 1946, and January 2, 1947, Eastern District of Pennsylvania and District of Delaware.

ALLEGED SHIPMENT: On or about October 30 and November 4, 1946, by Emperor Dairy Products Co., Inc., from New York, N. Y.

PRODUCT: Oil. 6 cans, 10 cans, and 50 cases each containing 6 cans, at Philadelphia, Pa., and 24 cans at Wilmington, Del.

LABEL, IN PART: (Cans) "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 oil of the nature of soybean oil, containing little or no olive oil or peanut oil, had been substituted for a mixture of peanut and olive oil, which the article was represented to be; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed therewith so as to make it appear to be, or to contain substantial amounts of, olive oil, which is better and of greater value than soybean oil.

Misbranding, Section 403 (a), the label statement "80% Peanut Oil and 20% Pure Olive Oil" was false and misleading; Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact; and, Section 403 (e) (2), a portion of the article failed to bear a label containing an accurate statement of the quantity of contents (this portion of the article was short-volume).

DISPOSITION: December 19, 1946, and January 22 and February 27, 1947. The Emperor Dairy Products Co., Inc., having appeared as claimant for 6 cans and 50 cases of the product and having consented to the entry of decrees, and the cases involving these two lots having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for rerefining, purifying, repacking, and relabeling under the supervision of the Federal Security Agency. No claimant having appeared for the other lots, they were condemned and ordered destroyed.

13347. Adulteration and misbranding of french dressing. U. S. v. 18 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22838, 22839. Sample Nos. 76824-H, 76859-H.)

LIBELS FILED: April 15 and 16, 1947, District of South Dakota and District of North Dakota.

ALLEGED SHIPMENT: On or about July 29, August 8, and November 13, 1946, from Minneapolis, Minn., by the Lano Food Products Co. and the Wholesale Supply Co.

PRODUCT: French dressing. 18 cases at Aberdeen, S. Dak., and 49 cases at Grand Forks, N. Dak. Each case contained 24 jars.

LABEL, IN PART: "LaMonte French Dressing Manufactured By Lano Food Products Co. Minneapolis * * * 16 Fl. Ounces [or "8 Fl. Oz."]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article. (The article contained an insignificant amount of oil.)

Misbranding, Section 403 (a), the label designation "French Dressing" was false and misleading; and, Section 403 (e) (2), the lot labeled "16 Fl. Ounces"