

**PRODUCT:** 13 cartons, each containing 24 jars, of peanut butter at Syracuse and Poughkeepsie, N. Y., and 32 cartons, each containing 24 bags, of peanut butter kisses at Middletown, Poughkeepsie, and New York, N. Y.

**LABEL, IN PART:** "Pickwick Peanut Butter Net Weight 10 Oz." and "Penolia Peanut Butter Kisses Net Wt. 14 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the peanut butter failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** March 16, 19, and 26, 1949. Default decrees of condemnation. A portion of the peanut butter kisses was ordered delivered to the Food and Drug Administration, and the remainder of this product and all of the peanut butter was ordered destroyed.

**4678. Adulteration of pecan meal. U. S. v. 28 Cartons \* \* \*. (F. D. C. No. 25140. Sample No. 8613-K.)**

**LABEL FILED:** July 28, 1948, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 7 and February 7, 1946, from Columbus, Ga.

**PRODUCT:** 28 50-pound cartons of pecan meal at Brooklyn, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its distasteful, bitter flavor, rendering it unpalatable. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 18, 1948. Default decree of condemnation and destruction.

## OILS AND FATS

**4679. Adulteration and misbranding of oil. U. S. v. Stephen G. Piacitelli (Unita Packing Co.). Plea of guilty. Fine of \$750 on count 1; sentence of 3 months' imprisonment and fine of \$500 on count 2 suspended. Defendant placed on probation for 2 years. (F. D. C. No. 26304. Sample No. 4516-K.)**

**INFORMATION FILED:** January 12, 1949, District of Rhode Island, against Stephen G. Piacitelli, trading as the Unita Packing Co., Providence, R. I.

**ALLEGED SHIPMENT:** On or about November 4, 1947, from the State of Rhode Island into the State of Connecticut.

**LABEL, IN PART:** "Net Contents 1 Gallon Cream Oil Packed by Unita Packing Co. Providence, (R. I.) Corn and Olive Oil."

**NATURE OF CHARGE:** Count 1. Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the product; and, Section 402 (b) (2), a substance consisting essentially of cottonseed oil had been substituted for a mixture of corn oil and olive oil, which the product was represented to be.

Count 2. Misbranding, Section 403 (a), the label statement "Corn and Olive Oil" was false and misleading since the article did not consist of corn

and olive oil, but did consist essentially of cottonseed oil and contain little or no olive oil.

**DISPOSITION:** February 7, 1949. A plea of guilty having been entered, the defendant was fined \$750 on count 1, and was fined \$500 and sentenced to imprisonment for 3 months on count 2. The prison sentence and fine on count 2 were suspended, and the defendant was placed on probation for 2 years.

**14680. Adulteration and misbranding of oil. U. S. v. 11 Cans \* \* \* (and other seizure actions).** (F. D. C. Nos. 24924, 24926 to 24928, inc 24931, 24932, 24944, 24945. Sample Nos. 8134-K, 8140-K, 8142-K, 9840-K, 9850-K, 9896-K, 9898-K, 9899-K.)

**LABELS FILED:** June 30 and July 2 and 6, 1948, District of Connecticut and District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 5, 16, 19, and 26, 1948, by the Bell Donna Packing Co., from Brooklyn, N. Y.

**PRODUCT:** 319 1-gallon cans of oil at Torrington, New Britain, and Winsted Conn., and Hackensack, West New York, and Paterson, N. J.

**LABEL, IN PART:** "Rinaldi Brand 80% Peanut Oil 20% Pure Olive Oil."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent olive oil, had been in whole or in part omitted from the article; 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 peanut oil.

Misbranding, Section 403 (a), the label statements "Pure Olive Oil" and "20% Pure Olive Oil" were false and misleading as applied to an article containing little, if any, olive oil. (Analysis showed that the article was an artificially flavored peanut oil containing little, if any, olive oil.)

**DISPOSITION:** October 18 and November 29, 1948, and January 31, 1949. Default decrees of condemnation. The Connecticut lots were ordered delivered to charitable organizations. With the exception of 1 can which was ordered delivered to the Food and Drug Administration, the New Jersey lots were ordered delivered to charitable organizations, or destroyed in the event that the oil was found unfit for human consumption.

**14681. Adulteration and misbranding of oil. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 24129. Sample No. 18215-K.)**

**LABEL FILED:** November 24, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about October 20, 1947, by L. DaVia & Sons, from Pittsburgh, Pa.

**PRODUCT:** 25 cases, each containing 6 1-gallon cans, of oil at Cleveland, Ohio.

**LABEL, IN PART:** (Can, main panels) "One Gallon Fortebraccio Brand A Pure Blend of 80% Cotton Seed Oil, Corn Oil and 20% Olive Oil Keystone Grocery Distributing Co. of Pittsburgh, Inc. Pittsburgh, Pa."; (side panels) "Fortebraccio Brand E' Prodotto Dalla Migliore Qualita' D'Olio."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially flavored mixture of cottonseed and corn oils, with very little, if any, olive oil had been substituted for 80 percent cottonseed oil, corn oil, and 20 percent olive oil; and, Section 402 (b) (4), artificial flavoring had been added thereto so as to make it appear to contain olive oil.