

15641. Adulteration and misbranding of canned corn. U. S. v. 38 Cases, etc. (F. D. C. Nos. 27991 to 27993, incl. Sample Nos. 60746-K to 60748-K, incl.)

LIBEL FILED: October 4, 1949, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 21, July 15, and August 8, 1949, by the Tom Corwin Canning Co., Inc., from Lebanon, Ohio.

PRODUCT: 318 cases, each containing 6 No. 10 cans, of corn at Memphis, Tenn.

LABEL, IN PART: (Can) "Red Rose Cream Style White [or "Golden"] Sweet Corn." All of the cans were approximately the same size. A portion (38 cases) of the cans were labeled "1 Lb. 4 Oz." or "1 Lb.," and the remainder were labeled "Net Weight 6 Lbs. 10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed that the product was decomposed.)

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for canned cream style corn since it had not been so processed by heat as to prevent spoilage.

Further misbranding (38 cases only), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans bore the label statements "Net Weight 1 Lb. 4 Ozs." or "Net Weight 1 Lb.," but contained approximately 7 pounds.)

DISPOSITION: November 10, 1949. Default decree of condemnation and destruction.

NUTS

15642. Adulteration of brazil nuts. U. S. v. 83 Bags, etc. (F. D. C. No. 28249. Sample Nos. 13981-K, 13982 -K.)

LIBEL FILED: October 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 29, 1949, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 83 100-pound bags, and 130 cases, each case containing 30 1-pound bags, of brazil nuts at Philadelphia, Pa. The 130 cases had been repackaged from 100-pound bags.

LABEL, IN PART: (Bag) "Sun-Glo Extra Large Polished New Crop Extra Quality Selected Brazil Nuts" or "A & P * * * Food Stores Brazils One Pound Net."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy brazil nuts.

DISPOSITION: November 17, 1949. Wm. A. Higgins & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 898 pounds of the product was segregated and destroyed as unfit.

15643. Adulteration of cashew nuts. U. S. v. 92 Cases * * *. (F. D. C. No. 28071. Sample No. 32538-K.)

LIBEL FILED: October 20, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about April 14, May 13 and 28, and July 26, 1949, from New York, N. Y.

PRODUCT: 92 cases of cashew nuts at San Francisco, Calif.

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 insects.

The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1949. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of fumigating and reconditioning and ridding the nuts of the unfit material, under the supervision of the Federal Security Agency. A total of 4,175 pounds of the product was salvaged as good material, and the remainder consisting of 325 pounds, which was segregated as unfit, was denatured.

OILS AND FATS

15644. Adulteration and misbranding of olive oil. U. S. v. Capital Food Co., Dominic F. Astonelli, and Enrico Torino. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 23604. Sample Nos. 43093-H to 43095-H, incl., 54932-H, 90324-H.)

INFORMATION FILED: March 23, 1949, District of Columbia, against the Capital Food Co., a partnership, Washington, D. C., and Dominic F. Antonelli and Enrico Torino, partners.

ALLEGED VIOLATION: On or about October 31 and November 7, 1946, the defendants caused to be introduced and delivered for introduction into interstate commerce, by sale and delivery in the District of Columbia, two lots of alleged olive oil. In addition, on or about March 19, 1947, the defendants shipped a quantity of alleged olive oil from the District of Columbia into the State of Georgia.

LABEL, IN PART: "Capitol Brand Imported [or "Pure Virgin Imported"] Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (1 sale in the District of Columbia) an artificially colored and flavored mixture of vegetable oils, containing little, if any, olive oil, had been substituted for olive oil; (other sale in the District of Columbia and the interstate shipment) mixtures of olive oil with other vegetable oils had been substituted in whole or in part for olive oil.

Misbranding, Section 403 (a), the statements "Imported Olive Oil" or "Pure Virgin Imported Olive Oil" on the bottles were false and misleading; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), (1 sale in the District of Columbia) the product contained artificial coloring and artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: July 8, 1949. Pleas of guilty having been entered, each defendant was fined \$100.

15645. Misbranding of peanut oil. U. S. v. 246 Cases, etc. (F. D. C. No. 27746. Sample No. 35282-K.)

LABEL FILED: September 16, 1949, Northern District of California.