

subjected to a refining process after which they were shipped in interstate commerce.

The original complaint further alleged that the insanitary conditions at the Strathmore plant resulted from the storage of the olive pomace on the ground beneath open sheds; the presence of a strong odor of decomposition and a heavy growth of green mold throughout the pile of olive pomace; trucks and tractors running over the stored olive pomace and workers walking over the pile; the shoveling of mud from the ground on which the pomace was stored, and the processing of such mud along with the pomace; the presence in the olive pomace of rodent and bird excrement, live and dead insects, filth from ground squirrels, cigarette butts, pieces of paper, trash, sticks, string, bones from garbage, black rotted material, and tractor oil and grease; the presence in the bags of sesame seed, stored at the rear of the shed storage area, of rodent holes, rodent and bird excreta, and rodent urine stains; the presence throughout the entire lot of bagged walnut stock of thousands of live and dead beetles and many rodent holes, rodent trails and other evidence of rodent infestation, and the presence of ground squirrels and birds in and around the lot of walnut oil stock; and, the storage of extracted oils in large tanks which had not been cleaned recently and which had a shed type roof open to birds, dust, and dirt. The complaint also alleged that the extraction process at Strathmore was such, that the oils extracted consisted of oil soluble portions of the raw materials and, that the refining process at Lindsay was such that the oil soluble portions extracted from the filth in the raw materials remained in the finished oils.

The amended complaint alleged that the olive pomace was purchased by Strathmore from olive pressors and consisted of the residue remaining after olive oil was pressed from olives; that the olive pomace was handled as garbage by the olive pressors and exposed to the elements, insects, birds, rodents, and squirrels; and, that the olive pomace was adulterated when it reached Strathmore by reason of such exposure.

**DISPOSITION:** On 5-14-57, the court issued a temporary restraining order, restraining the defendants from shipping or causing the shipment in interstate commerce and, more particularly, from delivering or causing the delivery to persons in California known to be engaged in the distribution of oils, in interstate commerce, which consisted in part of filthy substances or had been prepared or held under insanitary conditions.

On 10-29-57, the cause came on for a hearing on the motion for a preliminary injunction. Thereafter, on 11-6-57, the court orally denied the motion.

Subsequently, on 2-11-58, the Government filed a motion to dismiss the complaint, based upon the grounds that (1) there had been a material improvement in the operations of Strathmore Oils & Fats Co., Inc., especially in the handling of raw materials and extracted oils; (2) that the temporary restraining order had resulted in the adoption by the defendants of a sanitation program encompassing the suppliers of raw materials; and (3) that there appeared to be no further need for an injunction to prevent violation of the Act. The motion to dismiss was granted by the court on 2-12-58.

**24742. Vegetable oil.** (F.D.C. No. 41439. S. No. 6-401 P.)

**QUANTITY:** 306 1-gal. cans at Arlington, Mass., in possession of Supreme Olive Oil Co.

**LABEL IN PART:** "Half and Half Brand Oil \* \* \* Pure Vegetable Oil Flavored with Olive Oil."

**RESULTS OF INVESTIGATION:** The article was manufactured by Supreme Olive Oil Co. from components received in interstate commerce. Examination showed that it was a mixture of cottonseed oil, soybean oil, less than 4 percent olive oil, and was artificially flavored with olive oil flavor and artificially colored with food color.

**LIBELED:** 2-24-58, Dist. Mass.,

**CHARGE:** 403(a)—while held for sale, the statements on the label of the article, namely, "Half and Half \* \* \* Oil" and "Pure Vegetable Oil Flavored with Olive Oil" were false and misleading; 403(c)—the article was an imitation of another food, and its label failed to bear the word "Imitation" and, immediately thereafter, the name of the food imitated; and 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient, since the label declaration "Pure Vegetable Oil" did not inform the consumer of the presence in the article of soybean and cottonseed oil.

**DISPOSITION:** 3-18-58. Consent—claimed by Supreme Olive Oil Co. and relabeled in compliance with the law.

### **SPICES, FLAVORS, AND SEASONING MATERIALS**

**24743. Ground ginger root.** (F.D.C. No. 41437. S. No. 6-521 P.)

**QUANTITY:** 50 150-lb. drums at Millis, Mass.

**SHIPPED:** 4-30-57, from New York, N.Y.

**LIBELED:** 2-24-58, Dist. Mass.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 3-31-58. Default—destruction.

**24744. Poppyseed.** (F.D.C. No. 41340. S. No. 60-376 M.)

**QUANTITY:** 37 bags, each containing 109 lbs., at Detroit, Mich., in possession of Bakco Products, Inc.

**SHIPPED:** 11-4-57, from Rotterdam, Holland.

**LIBELED:** 1-8-57, E. Dist. Mich.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-20-58. Default—destruction.

**24745. Garlic.** (F.D.C. No. 41383. S. No. 18-921 P.)

**QUANTITY:** 188 50-lb. bags at Denver, Colo., in possession of Western Food Co.

**SHIPPED:** 9-11-57, from Gilroy, Calif.

**LIBELED:** 1-24-58, Dist. Colo.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-21-58. Consent—claimed by Veltrie Sales, Inc., Denver, Colo. Segregated; 547 lbs. destroyed.

**24746. Chili powder.** (F.D.C. No. 40902. S. Nos. 89-902/3 M.)

**QUANTITY:** 8 cases, 48 ½-lb. bags each, and 6 cases, 24 1-lb. bags each, at El Paso, Tex.

**SHIPPED:** Between 8-16-57 and 10-1-57, from Mesilla Park, N. Mex.

**LIBELED:** 11-14-57, W. Dist. Tex.