

25234. Canned tomatoes. (F.D.C. No. 41984. S. No. 26-903 P.)

QUANTITY: 697 cases, 24 1-lb. cans each, at St. Paul, Minn.

SHIPPED: 6-8-58, from Edcouch, Tex., by G. O. McDaniel Co.

LABEL IN PART: (Can) "House of George Brand Tomatoes."

LIBELED: 8-14-58, Dist. Minn.; libel amended 8-20-58.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard for canned tomatoes with respect to strength and redness of color and because of excessive tomato peel and blemishes, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 12-11-58. Default—delivered to various charitable institutions, for food purposes only.

25235. Tomato juice. (F.D.C. No. 42022. S. Nos. 73-379 M, 19-373 P, 19-377 P.)

INFORMATION FILED: 9-25-58, Dist. Colo., against Kuner-Empson Co., a corporation, Brighton, Colo., and Charles W. Nolin, superintendent of the corporation's plant at Loveland, Colo.

ALLEGED VIOLATIONS: On 9-3-40, the defendant corporation gave to a firm engaged in the business of shipping tomato juice in interstate commerce, a guaranty to the effect that tomato juice delivered by the corporation under the guaranty would not be adulterated.

Between 10-8-57 and 10-15-57, the corporation caused to be delivered to the holder of the guaranty at Denver, Colo., a quantity of tomato juice which was adulterated. In addition, on 2-21-58 and 3-6-58, the corporation and the individual defendant caused to be introduced and delivered for introduction into interstate commerce, for delivery to Liberal, Kans., and Amarillo, Tex., a number of cans of tomato juice which was adulterated.

LABEL IN PART: (Can) "KUNER'S TOMATO JUICE DISTRIBUTED BY KUNER-EMPSON COMPANY BRIGHTON, COLO. CONTENTS 13½ FL. OZ."

CHARGE: 402(a)(3)—contained decomposed tomato material.

PLEA: Guilty.

DISPOSITION: 11-21-58. Corporation—fined \$1,200; individual—fined \$50.

OILS AND FATS**25236. Table and cooking oil.** (F.D.C. No. 41184. S. Nos. 62-856 M, 62-858 M, 62-942 M, 62-957 M.)

INFORMATION FILED: 6-20-58, E. Dist. N.Y., against John V. Lucci, t/a Lucci Sales Co., Brooklyn, N.Y.

ALLEGED VIOLATION: On 3-15-57, while quantities of corn oil were being held for sale after shipment in interstate commerce, the defendant caused quantities of the corn oil to be packed into cans labeled "One Gallon Pure Olive Oil Superfine Casa Reale Brand 100% Pure Imported Olive Oil" or "Extra Fine Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils 25% Pure Imported Olive Oil," which act resulted in the article being adulterated and misbranded.

It was also charged that on 12-7-56 and 3-28-57, the defendant shipped to New Jersey and Connecticut, quantities of such oil packed under the Cielo Celeste brand.

CHARGE: Cielo Celeste brand. 402(b)(1)—when shipped and while held for sale, valuable constituents of the article, namely, peanut oil and olive oil had been in part omitted; and 402(b)(2)—artificially flavored corn oil and from 5 to 10 percent olive oil had been substituted for a mixture of 75 percent peanut and corn oils and 25 percent olive oil, which said food was represented to be.

Casa Reale brand. 402(b)(1)—while held for sale, the valuable constituent of the article, namely, olive oil, had been in part omitted; 402(b)(2) artificially flavored corn oil had been substituted for olive oil; 403(a)—statement on the label of the article, namely, "100% Pure Imported Olive Oil" was false and misleading when applied to a product that consisted of artificially flavored corn oil and 5 percent olive oil; and 403(k)—the article contained artificial flavoring, and it failed to bear labeling stating that fact.

PLEA: Guilty.

DISPOSITION: 10-31-58. Jail sentence of 60 days.

25237. Table and cooking oil. (F.D.C. No. 41853. S. No. 7-522 P.)

QUANTITY: 50 cases, 6 1-gal. cans each, at Boston, Mass.

SHIPPED: 4-18-58, from Decatur, Ill.

RESULTS OF INVESTIGATION: The article was manufactured from soybean oil shipped in interstate commerce, as described above, and thereafter placed in 1-gal. cans labeled "Imperiale Brand * * * Family Oil Contains Choice Vegetable and Virgin Olive Oil Packed by Imperiale Olive Oil Co., Boston, Mass." by the consignee Catania-Spagna Corp. An examination revealed that the article was soybean oil with little or no olive oil.

LIBELED: 6-3-58, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, olive oil, had been in whole or in part omitted from the article; 403(a)—the label statement "Contains Vegetable and Virgin Olive Oil" was false and misleading and 403(i)(2)—the label failed to bear the common or usual name of each ingredient of the article.

DISPOSITION: 7-21-58. Consent—claimed by Catania-Spagna Corp., Boston, Mass., and relabeled.

25238. Table and cooking oil. (F.D.C. No. 41844. S. No. 7-454 P.)

QUANTITY: 12 cases, 6 1-gal. cans each, at Boston, Mass., in possession of Joseph Verdi Co.

LABEL IN PART: (Can) "Joseph Verdi Brand * * * Oil Consisting of 75% Domestic Vegetable Oil and 25% Olive Oil * * * Packed by Joseph Verdi Company, Boston, Mass."

RESULTS OF INVESTIGATION: The article was manufactured from ingredients received in interstate commerce. On 2-18-58, the article was packed by California Olive Oil Co., Inc., Boston, Mass., into cans supplied by Joseph Verdi Co. Examination showed the article to be cottonseed oil with little or no olive oil.

LIBELED: 5-27-58, Dist. Mass.