

1346. Adulteration of poultry. U. S. v. 3 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3395. Sample No. 34473-E.)

This product consisted in whole or in part of decomposed and diseased poultry. On November 19, 1940, the United States attorney for the Southern District of New York filed a libel against three boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 31, 1940, by the Rochester Egg & Poultry Co. from Rochester, Minn.; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; and in that it was in whole or in part the product of diseased animals.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1347. Adulteration of poultry. U. S. v. 2 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3267. Sample No. 34462-E.)

This poultry was in whole or in part diseased and decomposed.

On October 24, 1940, the United States attorney for the Southern District of New York filed a libel against two boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by Mrs. George D. Tracy Poultry & Eggs from Tracy, Minn.; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food; and in that it was in whole or in part the product of diseased animals.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

1348. Adulteration of pecan pieces. U. S. v. 4 Cases of Pecan Pieces. Default decree of condemnation and destruction. (F. D. C. No. 3579. Sample No. 37225-E.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part moldy at that time.

On or about December 27, 1940, the United States attorney for the Southern District of Florida filed a libel against four cases of pecan pieces at Miami, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about November 25 to November 30, 1940, by the Southern Seed & Pecan Co. from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1349. Adulteration of shelled peanuts. U. S. v. 247 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2457. Sample No. 14259-E.)

These peanuts were in part decomposed and wormy.

On July 26, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 247 bags of peanuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the Birdsong Storage Co. from Troy, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part "Shelled Runner Peanuts."

On July 31, 1940, the Birdsong Storage Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The nuts were sorted and the rejects were denatured and disposed of for hog feed.

1350. Misbranding of peanut butter. U. S. v. 36 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 2825. Sample No. 9906-E.)

This product was short weight.

On September 17, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 36 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 19 and August 1, 1940, by Paul's [Paulk's] Products, Inc. from Opp, Ala.;

and charging that it was misbranded. It was labeled in part: (Jars) "Supreme Brand Peanut Butter * * * Net Wt. 1 Pound."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Pound" was false and misleading since it was not correct; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1351. Misbranding of peanut butter. U. S. v. 70 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1878. Sample No. 10192-E.)

This product was short weight.

On April 25, 1940, the United States attorney for the District of New Jersey filed a libel against 70 cases of peanut butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 12, 1940, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was misbranded. It was labeled in part: (Jars) "The Better Grade Uco Peanut Butter Contents 12 Ozs. Net Wt. Uco Food Corp. Distributors Newark, N. J."

The article was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net Wt.," was false and misleading since it was not correct; and in that it was in package form and failed to bear an accurate statement of the quantity of the contents.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the product distributed to charitable institutions.

1352. Misbranding of peanut butter. U. S. v. 50 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2044. Sample No. 5868-E.)

This product was short weight.

On June 3, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 50 cases of peanut butter at Williamson, W. Va., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Producers Peanut Co., Inc., from Suffolk, Va., and charging that it was misbranded. It was labeled in part: (Jar) "Armour's Star Pure Peanut Butter 6 Oz. Net * * * Armour and Company."

Misbranding was alleged in substance in that the statement on the label, "6 Oz. Net," was false and misleading since the jars contained less than that amount.

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

OILS AND FATS

OLIVE OIL

1353. Adulteration and misbranding of olive oil. U. S. v. 10 Cans and 24 Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 3169, 3170. Sample Nos. 36626-E, 36627-E, 36628-E.)

This product, which was represented to be pure olive oil, was found to consist almost entirely of cottonseed oil with little or no olive oil present.

On October 9, 1940, the United States attorney for the District of Massachusetts filed libels against 34 cans of olive oil at Framingham, Mass., alleging that the article had been shipped in interstate commerce on or about September 23 and October 7, 1940, by the Columbia Tea Co. from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Puglia Brand Superfine Pure Olive Oil" and "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated in that a substance consisting almost entirely of cottonseed oil with little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

The Puglia brand was alleged to be misbranded in that the following statements in the labeling were false and misleading as applied to an article consisting almost entirely of cottonseed oil with little or no olive oil: "Superfine Pure Olive Oil Imported From Lucca, Italy"; "Imported from Italy." The Stella Alpino brand was alleged to be misbranded in that it was offered for sale under the