(both sizes), borne on the labels, were false and misleading as applied to a product that was a mixture of peanut oil and cottonseed oil, containing more than 10 percent of cottonseed oil; Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the cans contained less than the declared amount; Section 403 (f), the labels contained representations in a foreign language, Italian, and the common or usual name of each ingredient did not appear thereon in the foreign language; and, 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, since cottonseed oil, an ingredient, was not declared.

DISPOSITION: November 3, 1943. The Wing Sing Wo Co., Honolulu, Hawaii, and the Morse Export Import Co., Inc., having appeared as claimants, a stipulation providing for the relabeling of the product by the claimants, under the supervision of the Food & Drug Administration, was filed and approved by the court. The relabeling having been satisfactorily completed, an order for the release of the product to the claimants was entered on January 28, 1944.

5988. Adulteration of mayonnaise. U. S. v. 500 Cases of Mayonnaise. Consent decree of condemnation. Product ordered released under bond for salvaging the fats. (F. D. C. No. 10788. Sample No. 35524–F.)

LIBEL FILED: September 20, 1943, Western District of North Carolina.

ALLEGED SHIPMENT: On or about August 2, 3, and 4, 1942, by the Southern Margarine Co., Greenville, S. C.

PRODUCT: 590 cases, each containing 12 quart jars, of mayonnaise at Charleston, N. C.

LABEL, IN PART: (Jars) "Southern Gold Brand Mayonnaise."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food because it was rancid.

DISPOSITION: November 22, 1943. The Arcadia Co., Inc., Charlotte, N. C., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for the purpose of salvaging the fats, under the supervision of the Food & Drug Administration. The product was first denatured by adding kerosene.

5989. Adulteration and misbranding of salad dressing. U. S. v. Tasty Food Co. and John B. Pendergrass. Pleas of guilty. Fine of $30 against each defendant. (F. D. C. No. 10629. Sample Nos. 12261–F, 12262–F, 42841–F.)

INFORMATION FILED: January 25, 1944, District of Oregon, against the Tasty Food Co., a corporation, and John B. Pendergrass, of Portland, Oreg.

ALLEGED SHIPMENT: On or about June 2, and July 7, 1943, from the State of Oregon into the State of Washington.

LABEL, IN PART: "Over the Top Brand Salad Dressing," or "Tasty Salad Dressing."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, an edible food oil, had been in whole or in part omitted from the product; Section 402 (b) (2), an article containing mineral oil, a non-nutritive substance, had been substituted for salad dressing; and, Section 402 (b) (4), a substance having no food value had been added to the product or mixed or packed with it so as to reduce its quality.

Misbranding, Section 403 (a), the statements on the labels, "Salad Dressing Contains: Water, Cottonseed Oil, Rice Flour, Whole Eggs, Spice and Vinegar," were false and misleading since the product was not salad dressing, it contained an ingredient, non-nutritive mineral oil, other than those named in the label statements, and the oil contained in the article did not consist solely of cottonseed oil, but consisted in large part of mineral oil; and, Section 403 (b) the product was offered for sale under the name of another food, salad dressing.

DISPOSITION: February 1, 1944. Pleas of guilty having been entered, the court imposed a fine of $5 on each of 6 counts, a total fine of $30 against each defendant.

SPICES, FLAVORS, AND SEASONING MATERIALS

5990. Adulteration of chili pods. U. S. v. 36 Cartons of Chili Pods. Default decree of condemnation and destruction. (F. D. C. No. 11238. Sample No. 57689–F.)

LIBEL FILED: December 6, 1943, Western District of Texas.