

consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the oil be removed from the cans and disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

6780. Misbranding of salad dressing. U. S. v. 4 Cases of Salad Dressing. Default decree of condemnation and destruction. (F. D. C. No. 11962. Sample No. 66057-F.)

LIBEL FILED: March 8, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about December 6, 1943, by the House of Herbs, Inc., Canaan, Conn.

PRODUCT: 4 cases, each containing 12 pints, of salad dressing at New York, N. Y. Analysis showed that the product contained about 65 percent by volume of mineral oil.

LABEL, IN PART: (Front bottle label) "Sylph Low Calorie Salad Dressing. Calories Per Fluid Ounce Only 0.9 Contains 68% non-nutritive mineral oil by weight, herb-flavored wine vinegar, fresh herbs, salt, pepper, sugar, shallots, garlic, mustard Benzoate of soda. House of Herbs, Inc. Canaan, Conn. One Pint"; (back bottle label) "Sylph French Dressing."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the designation "French Dressing" was misleading since French dressing is a definite type of salad dressing containing a vegetable oil as an ingredient, and not mineral oil, which has no food value; and the following statements which appeared on the labeling of the article, "Shake very vigorously and frequently while pouring over salad. Sylph has side tricks too. Excellent sprinkled over roasts before putting in oven. Try a few drops in hamburger, and on fish before broiling. Also use as a base for Barbecue Sauce," were misleading since such statements created the impression that the article consisted of food ingredients and was suitable for use on foods, whereas the article contained mineral oil, a non-nutritive substance not suitable for use on foods; Section 403 (b), the product was offered for sale under the name of another article, "French Dressing"; and, Section 403 (f), the statements of ingredients and of the quantity of the contents, required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: April 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6781. Misbranding of salad dressing. U. S. v. 115 Cases of Salad Dressing. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11571. Sample No. 55263-F.)

LIBEL FILED: On or about January 10, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 28, 1943, by the Barra Co., from Beverly Hills, Calif.

PRODUCT: 115 cases, each containing 24 bottles, of salad dressing at Portland, Oreg.

LABEL IN PART: (Bottles) "Barra's Figurene Salad Dressing."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Salad Dressing" was misleading since it represented and suggested that the product consisted of food ingredients, whereas the article contained mineral oil, a non-nutritive substance which was not an expected constituent of the product; and, Section 403 (b), it was offered for sale under the name of another food.

DISPOSITION: July 12, 1944. The Barra Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOODS

6782. Misbranding of Bing's Compound. U. S. v. 52 Cartons of Bing's Compound (and 1 other seizure action against Bing's Compound and 263 circulars). Default decrees of condemnation and destruction. (F. D. C. Nos. 11202, 12152. Sample Nos. 38481-F, 55066-F, 55067-F.)

LIBELS FILED: December 10, 1943, and May 5, 1944, Northern District of Indiana and Northern District of Illinois.

ALLEGED SHIPMENT: From on or about August 4 to September 28, 1943, by the Bing Co., from Minneapolis, Minn.

PRODUCT: 52 cartons at Chicago, Ill., and 21¹/₂ dozen packages of Bing's Compound and 263 circulars at Fort Wayne, Ind.

Analysis showed that the product consisted essentially of boric acid and less than 5 percent of salt. Sodium benzoate was absent.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Benzoate Soda .001," on the label of the retail package, was false and misleading since a portion of the product contained no benzoate of soda and the labeled amount of benzoate of soda would have no preservative effect; in addition, certain statements on the label of the retail package and in an accompanying circular entitled, "Bing's Compound Important Canning Instructions," created the misleading impression that the use of the article in the process of canning fruits and vegetables would be completely safe and would insure the prevention of souring and spoilage; that the articles would be safe for use in the home canning of vegetables, fruits, and juices, pieplant, pickles, and meats, and would prevent spoilage in the process of canning such foods; that the inflow of the air into a covered can filled with fruit or vegetables during the process of home canning was not irreparable and could be corrected by further securing the cover of the can by the application of melted wax; that a period of 20 minutes would be sufficient for the cooking of peas, string beans, shelled beans, corn, and tomatoes even though the cans were filled "very full"; and that the use of 12 level teaspoonfuls of Bing's Compound for 12 quarts in canning meats, mincemeat, chicken, or beef, would insure safe canning and the prevention of spoilage of the food so canned. The article, when used as suggested, would not be completely safe; it would not accomplish the purposes implied in the labeling; securing of the cover by the use of melted wax or any other device would not prevent spoilage by air which had already entered the cans; the period of 20 minutes is insufficient for the cooking of food in which the cans are filled "very full," because heat penetration would be rendered very slow by the fullness of the cans; and home canning of foods requires more than the carrying out of the directions contained in the labeling in order to prevent spoilage.

Further misbranding of the lot at Chicago, Section 403 (a), the statement "Bing's Compound * * * Used with Fruits, Pickles, Meats and Vegetables," borne on the display cartons, was misleading since it failed to reveal the consequences which might result from the use of the article in pursuance of the directions contained in the circular, i. e., that the process of home canning directed by the circular would not insure the elimination of the causes of spoilage in home canning; and it failed to reveal that the quantities of boric acid, the principal ingredient of the article, which might be consumed when it was used as directed in the circular were such as may have rendered the article dangerous to health.

DISPOSITION: On February 7 and June 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

6783. Misbranding of dried chicken soup mix with egg noodles. U. S. v. 71 Cases of Dried Chicken Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11710. Sample No. 30308-F.)

LIBEL FILED: January 25, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about February 16, 1943, by the Merchants Shippers Association, from Chicago, Ill.

PRODUCT: 71 cases, each containing 12 9-ounce jars, of dried chicken soup mix at San Francisco, Calif.

LABEL, IN PART: (Jars) "West's Chicken Soup Mix with Egg Noodles * * * Manufactured By Williams, West & Witt's * * * Chicago, Ill."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statement on the label, "Chicken Soup Mix," was misleading as applied to the product, which contained no chicken meat and little, if any, chicken extractives, and which owed its flavor, at least in part, to artificial flavoring.

DISPOSITION: May 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6784. Misbranding of Wip. U. S. v. 30 Cases of Wip. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11062. Sample No. 56832-F.)

LIBEL FILED: On or about November 8, 1943, District of Connecticut.

ALLEGED SHIPMENT: On or about September 11, 1943, by the Home Products Sales Corporation (Taylor-Reed Corporation subsidiary), Mamaroneck, N. Y.