

not appear thereon in the Italian language; and (portion), Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.
DISPOSITION: June 14, 1945. A plea of nolo contendere having been entered by the defendant, a fine of \$50 on each of 6 counts, a total fine of \$300 plus costs, was imposed.

8076. Adulteration and misbranding of edible oil. U. S. v. 11 Cans of Oil. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13841. Sample No. 82771-F.)

LIBEL FILED: October 2, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1944, by the Lucatelli Packing Co., West New York, N. J.

PRODUCT: 11 1-gallon cans of oil at New York, N. Y.

LABEL, IN PART: (Cans) "One Gallon Net Imported Produce Lucatelli Superfine Olive Oil."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance containing about 30 percent of peanut oil had been substituted in whole or in part for olive oil, which the article was represented to be.

Misbranding, Section 403 (a), the designs of gold medals and of olive branches, and the label statements, "Imported Produce * * * Superfine Olive Oil Guaranteed 100% Pure" and "Extra Sublime This can contains the cream of imported virgin olive oil guaranteed to be chemically pure—It excels for table cooking and medicinal use," (and similar statements in Italian) were false and misleading as applied to an article containing about 30 percent of peanut oil.

DISPOSITION: March 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after withdrawal of one of the cans of oil by the Food and Drug Administration.

8077. Misbranding of edible oil. U. S. v. 231 Cases and 28 Cases of Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12147. Sample Nos. 51890-F, 51891-F.)

LIBEL FILED: April 17, 1944, District of Rhode Island; amendment to libel filed January 10, 1945.

ALLEGED SHIPMENT: Between the approximate dates of December 9, 1943, and February 10, 1944, by the Gem Packing Corporation, from Brooklyn, N. Y.

PRODUCT: 231 cases, each containing 6 1-gallon cans, of oil and 28 cases, each containing 12 ½-gallon cans, of oil at Georgiaville, R. I. Analysis showed that the product contained little or no peanut or olive oil.

LABEL, IN PART: "Gem Brand Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statements, "Choice Cottonseed, Corn, Peanut Oils and Extra Fine Olive Oil," were misleading in that they created in the mind of the purchaser the impression and belief that the article contained a substantial quantity of olive oil and peanut oil, whereas the article contained little or no olive oil and little or no peanut oil; and, Section 403 (f), the label contained representations in a foreign language, Italian, and the statement of the quantity of the contents and the common or usual name of each ingredient, required by law to appear on the label, did not appear thereon in the foreign language.

DISPOSITION: March 17, 1945. The Gem Packing Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that an additional amount of peanut oil and olive oil be added and that the product be repackaged and relabeled under the supervision of the Food and Drug Administration.

8078. Adulteration and misbranding of salad dressing. U. S. v. Henry T. Morin (Green Garden Food Products). Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 14212. Sample No. 43160-F.)

INFORMATION FILED: March 21, 1945, Western District of Washington, against Henry T. Morin, trading as the Green Garden Food Products, Seattle, Wash.

ALLEGED SHIPMENT: On or about August 31, 1943, from the State of Washington into the State of Oregon, of a number of tubs containing a product invoiced as "Salad Dressing."

LABEL, IN PART: (On a number of tubs) "Green Garden Food Products * * * Cottonseed Oil, Fresh Eggs, Sugar, Vinegar, Cornstarch and Spices. Color added Salad Dressing." The remainder of the tubs were unlabeled.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the article, an edible food oil, had been in whole or in part omitted; Section 402 (b) (2), a product containing mineral oil, a nonnutritive substance, had been substituted for salad dressing, a product that does not contain nonnutritive mineral oil; and, Section 402 (b) (4), mineral oil, a substance having no food value, had been added to the article and had been mixed and packed with it so as to reduce its quality.

Misbranding (labeled portion), Section 403 (a), the label statement, "Cottonseed Oil, Fresh Eggs, Sugar, Vinegar, Cornstarch and Spices. Color added Salad Dressing," was false and misleading since the article did not consist entirely of the ingredients listed but consisted in large part of mineral oil, a non-nutritive substance not listed on the label; and, Section 403 (b), the article was not salad dressing but was a substance containing mineral oil, offered for sale under the name of salad dressing.

Further misbranding (unlabeled portion), Section 403 (b), the article was not salad dressing but was a substance containing mineral oil, and it was offered for sale under the name of salad dressing; Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (i) (1), it failed to bear the common or usual name of the article; and, Section 403 (i) (2), it failed to bear the common or usual name of each of the ingredients.

DISPOSITION: March 30, 1945. A plea of guilty having been entered, the defendant was fined \$149 on count 1 and \$1 on count 2, together with costs.

8079. Adulteration of salad dressing. U. S. v. 103 Cases of Salad Dressing. Default decree of condemnation. Product ordered used for war purposes. (F. D. C. No. 13495. Sample No. 71753-F.)

LABEL FILED: September 2, 1944, District of Idaho.

ALLEGED SHIPMENT: On or about May 23 and 29, 1944, by the Tasty Foods Co., from Portland, Oreg.

PRODUCT: 103 cases, each containing 12 1-quart jars, of salad dressing at Nampa, Idaho.

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

VIOLATION CHARGED: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which was unsafe since it was a substance not required in the production of the food, and could have been avoided by good manufacturing practice.

DISPOSITION: March 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Fat Salvage Unit of the War Production Board.

MISCELLANEOUS FOOD PRODUCTS

8080. Adulteration of chewing gum. U. S. v. 133 Cases of Chewing Gum. Default decree of condemnation and destruction. (F. D. C. No. 14001. Sample No. 88140-F.)

LABEL FILED: October 4, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about August 14, 1944, by the Fort Bliss Exchange from El Paso, Tex. This was a returned shipment. The product was originally shipped by Gum Products, Inc., from Boston, Mass.

PRODUCT: 133 cases, each containing 55 boxes of 20 five-cent packages, of chewing gum, at Boston, Mass.

LABEL, IN PART: "Yanks Chewing Gum Aid to Brighter Teeth * * * Gum Products, Inc., Boston, Mass."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 11, 1945. Gum Products, Inc., having entered an appearance but having filed no answer, judgment of condemnation was entered and the product was ordered destroyed.