

"So I think that the fact that the product was advertised as salad dressing was a misbranding and adulteration as it contained mineral oil substituted for vegetable oil.

"I therefore find as a finding of fact on Count III of the Information that the product designated as a salad dressing was misleading and an adulteration in that it contained a non-nutritive element known as mineral oil, which has no place in a salad dressing; and the mere use of the mineral oil for a dressing of that kind without a designation on the label that it is a part of the salad dressing, and a designation as 'salad dressing' without the designation on the label 'salad dressing containing mineral oil' is both a misbranding and an adulteration.

"As to Count Four, the same finding of fact.

"I therefore find the defendant guilty on Count One of the Information, Count Two of the Information, Count Three of the Information and Count Four of the Information, and it will be the sentence and judgment of the Court that he pay a fine of \$50.00 on each Count and the costs of this action.

"To all of which the defendant, Arthur H. Beck, excepts."

11281. Adulteration of salad dressing and adulteration and misbranding of salad oil. U. S. v. Gilmer W. Sparger (Puny's WOP Salad Dressing Co. and Puny Sparger). Plea of guilty. Fine, \$70 and costs. (F. D. C. No. 20176. Sample Nos. 21267-H, 24607-H, 24612-H, 24741-H, 25109-H.)

INFORMATION FILED: September 9, 1946, Eastern District of Oklahoma, against Gilmer W. Sparger, trading as Puny's WOP Salad Dressing Co. and Puny Sparger, Ardmore, Okla.

ALLEGED SHIPMENT: Between the approximate dates of June 13 and August 16, 1945, from the State of Oklahoma into the States of Kansas, Louisiana, and Texas.

LABEL, IN PART: "Puny's Famous WOP Salad Dressing," or "Puny's Famous Salad Oil."

NATURE OF CHARGE: Salad dressing. Adulteration, Section 402 (a) (1), the article contained an added deleterious substance, mineral oil, which may have rendered it injurious to health; and, Section 402 (b) (2), an article containing mineral oil, a nonnutritive substance, had been substituted in whole or in part for salad dressing, which does not contain nonnutritive oils.

Salad oil. Adulteration, Section 402 (b) (2), mineral oil, a nonnutritive substance, and extract of annatto seed, an artificial color, had been substituted in whole or in part for salad oil, a nutritive substance, which the article was represented to be. Misbranding, Section 403 (a), the label statement "Salad Oil" was false and misleading; and, in addition, the labeling of the article was misleading in that it failed to reveal facts material with respect to the consequences which may result from the use of the article under such conditions of use as are customary or usual for salad oil, since the article contained mineral oil, a substance which would interfere seriously with the assimilation of certain essential vitamins and minerals, and when used as salad oil, might render the product in which it was used injurious to health.

DISPOSITION: December 9, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$10 on each of the 7 counts, a total fine of \$70 and costs.

11282. Adulteration and misbranding of french dressing. U. S. v. 495 Bottles * * *. (F. D. C. No. 20298. Sample No. 1461-H.)

LIBEL FILED: July 1, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 26, 1946, by Mid City Wholesale Grocers, from Chicago (Cicero), Ill.

PRODUCT: 495 8-ounce bottles of french dressing at Atlanta, Ga. This product was an artificially colored and diluted vinegar, with some flavoring and gum, and about one percent of oil. Oil is an integral part of french dressing.

LABEL, IN PART: "La-Fay French Dressing * * * Mfd. by The Daniels Food Products Co., Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label designation "French Dressing" was false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food, i. e., french dressing.