

"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.

DISPOSITION: February 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11283. Adulteration and misbranding of oil. U. S. v. 6 Drums and 11 Cases
* * *. (F. D. C. No. 20246. Sample No. 65204-H.)

LIBEL FILED: June 11, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 1, 1946, from Hammonton, N. J., by an unknown party.

PRODUCT: 6 55-gallon drums and 11 cases, each case containing 6 1-gallon cans, of mineral oil at Philadelphia, Pa. This product had been represented to the consignee at Philadelphia, Pa., as edible vegetable oil.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance, artificially colored mineral oil, had been substituted for edible vegetable oil, which the article was represented to be.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., edible vegetable oil.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11284. Misbranding of edible oil. U. S. v. 99 Cans * * *. (F. D. C. No. 19973. Sample Nos. 63407-H, 63411-H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 1, 1946, by the Paladino Oil Co., from Brooklyn, N. Y.

PRODUCT: 99 5-gallon cans of edible oil at Newark, N. J. The product consisted of artificially flavored and colored soy bean oil in unlabeled cans.

NATURE OF CHARGE: Misbranding, Section 403 (e) (1), the product 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 a label containing an accurate statement of the quantity of the contents; and, Section 403 (k), it contained artificial flavoring and artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: June 18, 1946. Joseph Bass, Newark, N. J., claimant, having admitted the allegations of the libel, 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.

SPICES, FLAVORS, AND SEASONING MATERIALS*

11285. Adulteration of ground mustard. U. S. v. 14 Barrels * * *. (F. D. C. No. 19885. Sample No. 63351-H.)

LIBEL FILED: May 9, 1946, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of May 17, 1945, and March 21, 1946, by Atlantis Sales Corp., from Rochester, N. Y.

PRODUCT: 14 200-pound barrels of ground mustard at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and insect parts.

DISPOSITION: July 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11286. Adulteration of imitation pepper and dry red pepper. U. S. v. 145 Bags, etc. (F. D. C. No. 19972. Sample Nos. 63352-H, 63356-H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about April 1, 1946, from Cleveland, Ohio.

PRODUCT: 145 bags, each containing 100 pounds, of imitation pepper and 35 bags, each containing approximately 150 pounds, of dry red pepper at Newark, N. J., in possession of the J. R. Watkins Co.

The products were stored under insanitary conditions after shipment. Live weevils were noted on the bags of imitation pepper, and rodent excreta, urine stains, and weevils were noted on the bags of dry red pepper. Examination

*See also Nos. 11107, 11150.