

10687. Adulteration and misbranding of popcorn dressing. U. S. v. 1 Drum of a Product Labeled "Eagle Brand Contains Mineral Oils and Fats," etc. (F. D. C. No. 18331. Sample No. 6524-H.)

LIBEL FILED: November 7, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1945, by St. Louis Fondant Co., St. Louis, Mo.

PRODUCT: 1 200-pound drum of popcorn seasoning at New York, N. Y. Analysis showed that the product consisted essentially of artificially colored mineral oil. The product was purchased and used as a popcorn dressing.

LABEL, IN PART: "Eagle Brand Contains Mineral Oils and Fats, Flavors and Other Ingredients Coloring Added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), yellow artificial color had been added to the product and mixed and packed with it so as to make it appear like an edible oil, which is better and of greater value than artificially colored mineral oil.

Misbranding, Section 403 (a), the labeling was misleading in that it failed to reveal the fact material with respect to consequences which may result in the use of the article under such conditions of use as are customary or usual for popcorn dressing, since the product contained an oil which would interfere seriously with the assimilation of certain essential vitamins and minerals; and when used on popcorn the article might render the popcorn injurious to health.

DISPOSITION: December 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10688. Adulteration and misbranding of popcorn seasoning. U. S. v. 10 Drums * * * (and 1 other seizure action). (F. D. C. Nos. 18027, 18221. Sample Nos. 6180-H, 6521-H.)

LIBELS FILED: October 25 and 26, 1945, Middle District of Pennsylvania and Eastern District of New York.

ALLEGED SHIPMENT: On or about August 8 and September 11, 1945, by the Suzanne Processed Oil Co., from Boston, Mass.

PRODUCT: Popcorn seasoning. 10 drums at Scranton, Pa., and 15 435-pound drums, 14 5-gallon cans, and 10 1-gallon cans at Jamaica, N. Y.

LABEL, IN PART: (Drums) "Flow Brand Popcorn Seasoning * * * Contains 100% Soya Bean Oil artificially flavored with butyric acid, esters, artificially colored * * * Blandol." The 5-gallon and 1-gallon cans in the New York lot had been filled by the dealer from drums which had been originally shipped under the above label.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, soybean oil, had been in whole or in part omitted from the product; Section 402 (b) (2), a substance consisting essentially of artificially flavored and colored nonnutritive mineral oil had been substituted in whole or in part for popcorn seasoning containing soybean oil, which the product was represented to be; and, Section 402 (b) (4), mineral oil, having no food value, had been added to the article and mixed and packed with it so as to reduce its quality or strength, and yellow artificial color had been added to the article and mixed and packed with it so as to make it appear to be an edible oil, which is better and of greater value than mineral oil.

Misbranding, Section 403 (a), the label statement "Contains 100% Soya Bean Oil artificially flavored with butyric acid, esters, artificially colored" was false and misleading as applied to an article consisting essentially of mineral oil, artificially flavored and colored, and containing little or no soybean oil.

DISPOSITION: December 17, 1945, and May 1, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10689. Adulteration and misbranding of popcorn seasoning. U. S. v. 4 Cartons * * *. (F. D. C. No. 18160. Sample No. 12053-H.)

LIBEL FILED: October 16, 1945, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 13, 1945, by the Suzanne Processed Oil Co., from Boston, Mass.