

and suggested that the article contained 20 percent of pure olive oil, whereas the article did not contain 20 percent of pure olive oil but contained little or no olive oil; and 403 (k)—the article contained artificial coloring, and it failed to bear labeling stating that fact when shipped.

DISPOSITION: The defendants, after entering a plea of not guilty on 10-27-52, filed a motion for a bill of particulars, which was denied by the court on 2-2-53. On 10-31-55, the defendants changed their pleas to guilty; and, on 1-26-56, each was fined \$3,000.

23175. Olive oil. (F. D. C. No. 32722. S. No. 23-962 L.)

INFORMATION FILED: 1-5-53, E. Dist. N. Y., against Mamma Mia Importing Co., Inc., Brooklyn, N. Y., and Joseph Profaci, president.

SHIPPED: 1-18-51, from New York to New Jersey.

LABEL IN PART: (Can) "Mamma Mia Brand * * * 100% Pure Olive Oil Packed By Mamma Mia Importing Co., Inc., Brooklyn, N. Y."

CHARGE: 402 (b) (1)—a valuable constituent, olive oil, had been in part omitted from the article; and 402 (b) (2)—a mixture of peanut oil and olive oil had been substituted for "100% Pure Olive Oil" when shipped.

DISPOSITION: The defendants, after entering a plea of not guilty on 1-5-53, filed a motion for a bill of particulars, which was denied by the court on 2-2-53. On 10-31-55, the defendants changed their pleas to guilty; and, on 1-26-56, each was fined \$1,000.

SPICES, FLAVORS, AND SEASONING MATERIALS

23176. Ground ginger, caraway seed, poppyseed, and ground white pepper.
(F. D. C. No. 38594. S. Nos. 23-098 M, 23-141 M, 23-172/3 M, 23-224/5 M).

INFORMATION FILED: 5-1-56, Dist. Mass., against Stickney and Poor Spice Co., a corporation, Boston, Mass.

ALLEGED VIOLATION: On or about 9-29-55, while quantities of poppyseed and caraway seed were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

The information alleged also that between 5-11-55 and 10-10-55, the defendants shipped adulterated caraway seed, ground white pepper, and ground ginger from Massachusetts to Connecticut, Maine, and Rhode Island.

CHARGE: 402 (a) (3)—contained dead insects, live insects, insect excreta, and insect fragments; and 402 (a) (4)—prepared or held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-28-56. \$200 fine.

23177. Sesame seed. (F. D. C. No. 39000. S. No. 37-427 M.)

QUANTITY: 174 150-lb. bags at New York, N. Y.

SHIPPED: In September 1955, from Alexandria, Egypt, by Hamed & M. Emam Samaha.

LBELED: 3-22-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained stones and clumps of mud when shipped.

DISPOSITION: 4-19-56. Consent—claimed by Levy & Levis Co., Inc., New York, N. Y. Reconditioned, 718 lbs. denatured.

23178. Sesame seed. (F. D. C. No. 39003. S. No. 37-430 M.)

QUANTITY: 15 90-lb. bags and 4 20-lb. bags, at Bronx, N. Y.

SHIPPED: In September 1955, from Alexandria, Egypt, by Hamed & M. Emam Samaha.

LIBELED: 3-27-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained stones and clumps of mud when shipped.

DISPOSITION: 4-24-56. Default—destruction.

23179. Canned hot cherry peppers. (F. D. C. No. 38879. S. No. 16-388 M.)

QUANTITY: 14 cases, 24 1-pt. jars each, at Seattle, Wash.

SHIPPED: Between 1-1-53 and 12-1-55, from Newark, N. J., by Mother's Food Products, Inc.

LABEL IN PART: (Jar) "Mother's Hot Cherry Peppers."

LIBELED: 1-16-56, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained moldy peppers when shipped.

DISPOSITION: 3-9-56. Default—destruction.

23180. Seasoning for macaroni with sardines. (F. D. C. No. 38912. S. No. 38-859 M.)

QUANTITY: 5 cases, 48 13-oz. cans each, at Tampa, Fla.

SHIPPED: 10-10-55, from Napoli, Italy.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 1-17-56, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 3-21-56. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

23181. Multivitamin capsules. (F. D. C. No. 38687. S. No. 22-834 M.)

QUANTITY: 1 5,700-capsule carton at New Britain, Conn.

SHIPPED: 7-5-55, from New York, N. Y., by Encapsulations, Inc.

LABEL IN PART: (Carton) "E 750 Lot No. 04355 Containing 6000 Capsules 14 Minim Oblong Red Each Capsule Contains: * * * Vitamin B₁ Thiamine HCl) 2 mg. * * * Dosage: One or two capsules daily as dietary supplement or as directed by physician. * * * This is a bulk shipment intended for further packaging."

LIBELED: 11-15-55, Dist. Conn.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article when shipped; and 403 (a)—the label statement "Each Capsule Contains: * * * Vitamin B₁ (Thiamine HCl) 2 mg." was false and misleading.

DISPOSITION: 12-20-55. Default—distributed to a charitable institution.