

SHIPPED: 5-22-56, from Brooklyn, N. Y., by Tania Importing Co., through Joseph Bruno, an itinerant peddler.

LABEL IN PART: (Can) "Puglia Brand * * * Pure Olive Oil Imported From Lucca, Italy."

LIBELED: On or about 6-27-56, Dist. N. J.

CHARGE: 402 (b) (2)—cottonseed oil with little or no olive oil had been substituted for olive oil when shipped; and 403 (a)—the label statement "Pure Olive Oil Imported From Lucca, Italy" was false and misleading as applied to the article, which contained cottonseed oil with little or no olive oil.

DISPOSITION: 8-13-56. Default—delivered to a charitable organization after being relabeled.

23442. Table and cooking oil. (F. D. C. No. 39145. S. Nos. 31-819 M, 49-297 M.)

QUANTITY: 116 cases, 6 1-gal. cans each, at Detroit, Mich.

SHIPPED: 3-6-56 and 5-9-56, from Chicago, Ill., by Columbus Packing Co.

LABEL IN PART: (Can) "Columbus Brand A Compound Oil."

LIBELED: 6-8-56, E. Dist. Mich.

CHARGE: 402 (b) (1)—a valuable constituent, olive oil, had been in whole or in part omitted from the article when shipped; 402 (b) (2)—corn oil and cottonseed oil with little or no olive oil had been substituted for a blend of corn oil and olive oil; and 403 (a)—the label statement "An Excellent Blend of Choice Corn Oil and Virgin Olive Oil" was false and misleading.

DISPOSITION: 10-24-56. Consent—claimed by Columbus Packing Co. and brought into compliance with the law by removal of the article from the 1-gal. cans into a bulk tank of oil.

23443. Table and cooking oil. (F. D. C. No. 39187. S. No. 58-246 M.)

QUANTITY: 27 cases, 6 1-gal. cans each, at Kansas City, Mo.

SHIPPED: 4-13-56, from Chicago, Ill., by Columbus Packing Co.

LABEL IN PART: (Can) "Columbus Brand A Compound Oil."

LIBELED: On or about 8-10-56, W. Dist. Mo.

CHARGE: 402 (b) (1)—valuable constituents, corn and olive oil, had been in whole or in part omitted from the article when shipped; 402 (b) (2)—cottonseed oil with little or no corn or olive oil had been substituted for a blend of corn oil and olive oil; and 403 (a)—the label statement "An Excellent Blend of Choice Corn Oil and Virgin Olive Oil" was false and misleading.

DISPOSITION: 9-28-56. Default—delivered to a city institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

23444. Horseradish. (F. D. C. No. 32800. S. Nos. 63-214 K, 69-437 K, 84-772 K, 6-872/3 L, 6-881 L.)

INFORMATION FILED: 7-28-52, S. Dist. N. Y., against Christ H. Treffinger, t/a Bronx Home Food Products, Bronx, N. Y., and Carl Schaefer, an employee.

SHIPPED: Between 11-17-49 and 2-19-51, from New York to Massachusetts, Pennsylvania, and Ohio.

LABEL IN PART: (Btl.) "Premier Horse Radish Made from Selected Horseradish Roots And Seasoned Vinegar" or "Bronx Home Pure Prepared Horse Radish Made From Selected Roots And Seasoned Vinegar."

CHARGE: 402 (b) (2)—parsnip roots had been substituted in part for horse-radish roots; and 403 (a)—the label statements "Premier Horse Radish Made From Selected Horseradish Roots And Seasoned Vinegar" and "Bronx Home Pure Prepared Horse Radish Made From Selected Roots And Seasoned Vinegar" were false and misleading in that they represented and suggested that the article consisted entirely of horseradish roots and seasoned vinegar, whereas parsnip roots had been substituted in whole or in part for horse-radish roots.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before a jury on 11-17-54. On 11-22-54, the jury returned a verdict of not guilty as to Defendant Schaefer and guilty as to Defendant Treffinger; whereupon the court fined Treffinger \$1,200.

Defendant Treffinger filed a notice of appeal; and, on 7-6-55, the United States Court of Appeals for the Second Circuit, in an opinion reported in United States v. Christ H. Treffinger, 224 F. 2d 855 (C. A. 2, 1955), reversed the judgment of the lower court on the basis of error in the charge to the jury.

In addition, the appellate court held that the lower court's denial of the appellant's motion to dismiss several of the counts on the ground that the defendant had not been furnished portions of the samples taken by the Government for analysis was not erroneous since the defendant had not made a reasonable written request for the samples. The Government having decided not to re-try the matter, the case was dismissed on 6-28-56.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

23445. Mineral tablets and tablets of B complex vitamins with iron. (Inj. No. 234.)

COMPLAINT FOR INJUNCTION FILED: 10-19-51, S. Dist. Ind., against Nature's Mineral Food Co., a partnership, Indianapolis, Ind., and Perry B. Smith and Thornton B. Smith, partners in the partnership, alleging that the defendants had been introducing and delivering, and were continuing to introduce and deliver, for introduction into interstate commerce, mineral tablets, and tablets of B complex vitamins with iron which were misbranded.

LABEL IN PART: "The M. F. Co's Minerals 270 Tablets * * * Contains: Potassium Iodide, Calcium Phosphate, Calcium Carbonate, Sodium Phosphate, Iron Sulfate Exsiccated, Sodium Chloride. (Iodized Salt)," "55 B Complex Vitamins with Iron * * * Contains Vitamin B₁, 1 mg. (thiamin chloride) Vitamin B₂, .5 mg. (riboflavin) Niacin, 5 mg. Sodium Iron Pyrophosphate, 0.4 gr. Yeast plus inert compounding ingredients."

ACCOMPANYING LABELING: Leaflets entitled "The M. F. Co's Vitamin B Complex" and "Mineral Supplement"; mimeographed sheets entitled "Nature's Minerals Vitamins," "Cochrane On The Ball," "Important," and "Dr. William Brady Says"; a mimeographed letter addressed "Good Morning Dear Friend"; and cards entitled "Supplement Your Mineral and Vitamin Diet."

CHARGE: 403(a), the labeling of the articles contained false and misleading representations that the articles would supply a universal need; that they would be effective in reducing illness, increasing efficiency; in treating lack of

*See also No. 23429.