

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements which appeared in the labeling, "Net Wt. 1 Lb.," or "Net Wt. 9 Ozs.," were false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 8, 1944. Food Specialties, Inc., having admitted the facts in the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6383. Adulteration of pecan halves. U. S. 294 Cases and 325 Cases of Pecan Halves. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11741. Sample Nos. 23899-F, 51008-F.)

LIBEL FILED: February 2, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24 and 30, 1942, from St. Louis, Mo.

PRODUCT: 619 60-pound cases of pecan halves at Philadelphia, Pa., in possession of the Philadelphia Warehouse & Cold Storage Co.

The article was stored under insanitary conditions after shipment. Live mice were seen around the lots of pecans. Some cases had been gnawed, and the nuts were spilled. Rodent excreta and urine stains were found on the cases. Examination of samples showed that the product contained rodent hairs.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: February 10, 1944. The Breyer Ice Cream Co., Millerstown, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured under the supervision of the Food and Drug Administration. The unfit portion was subsequently destroyed.

6384. Adulteration of unshelled pecans. U. S. v. 155 Bags of Unshelled Pecans. Default decree of condemnation. Portion ordered delivered to the Food and Drug Administration; remainder ordered destroyed. (F. D. C. No. 11293. Sample No. 25686-F.)

LIBEL FILED: December 10, 1943, Northern District of Alabama.

ALLEGED SHIPMENT: On or about November 4, 1943, by E. M. Boyles, from Thomaston, Ga.

PRODUCT: 155 bags, each containing 50 pounds, of unshelled pecans at Birmingham, Ala.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance and was otherwise unfit for food by reason of the presence of rancid, shriveled, wormy, moldy, and decomposed pecans.

DISPOSITION: February 14, 1944. No claimant having appeared, judgment of condemnation was entered and three bags were ordered delivered to the Food and Drug Administration; the remainder was ordered destroyed.

OILS AND FATS

6385. Misbranding of edible oil. U. S. v. 7 Cases of Table Oil. Default decree of condemnation and destruction. (F. D. C. No. 11847. Sample No. 57967-F.)

LIBEL FILED: March 2, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about December 17, 1943, by the Chicago Macaroni Co., from Chicago, Ill.

PRODUCT: 7 cases, each containing 4 1-gallon jugs, of oil at Denver, Colo.

LABEL, IN PART: (Jugs) "Italy Brand Table Oil Blend * * * eighty per cent of vegetable oil and twenty per cent of pure olive oil."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Italy Brand" and the statement "twenty per cent of pure olive oil," appearing on the labeling, were false and misleading as applied to the article, which consisted of corn oil and less than 20 per cent of olive oil; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Vegetable Oil" is not the common or usual name of corn oil.

DISPOSITION: March 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6386. Misbranding of Cocoline Mineral Base Oil. U. S. v. 1 Drum of Cocoline Mineral Base Oil. Default decree of condemnation. Product ordered delivered for use in the maintenance of a Federal building. (F. D. C. No. 11681. Sample No. 49420-F.)

LABEL FILED: January 21, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about December 21, 1943, by the Dairy and Ice Cream Supply Co., from Atlanta, Ga.

PRODUCT: 1 50-gallon drum of Cocoline Mineral Base Oil at Cincinnati, Ohio.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name of the article, "Cocoline," was misleading since such name implied a food ingredient of either cocoa or coconut origin, and the label of the article failed to reveal the material fact that it consisted of nothing but mineral oil; Section 403 (b), it was offered for sale under the name of another food, "Cocoline," implying a food ingredient.

DISPOSITION: March 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the custodian of a Federal building, for use as lubricating and floor oil.

6387. Adulteration of salad dressing and French dressing. U. S. v. Michael C. Sogas and Nicholas C. Sogas (Sogas Brothers). Pleas of guilty. Each defendant fined \$15 and costs. (F. D. C. No. 10593. Sample Nos. 3724-F, 3725-F, 3727-F.)

INFORMATION FILED: On December 22, 1943, in the Western District of Missouri, against Michael C. Sogas and Nicholas C. Sogas, trading as Sogas Brothers, Kansas City, Mo.

ALLEGED SHIPMENT: From on or about April 7 to May 8, 1943, from the State of Missouri into the State of Kansas.

LABEL, IN PART: (Jars) "Wonder Whip Salad Dressing," or "Sogas Brothers Product French Dressing."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing non-nutritive substances, mineral oil and saccharin, had been substituted in whole or in part for salad dressing and French dressing, products which do not contain mineral oil and saccharin; and, Section 402 (b) (4), mineral oil and saccharin had been mixed or packed with the articles so as to reduce their quality and make them appear better or of greater value than they were.

DISPOSITION: April 10, 1944. Pleas of guilty having been entered, each defendant was fined \$5 on each of 3 counts, plus costs.

6388. Adulteration and misbranding of salad dressing. U. S. v. 12 Tubs and 13 Tubs of Salad Dressing. Default decree of condemnation. Product ordered distributed to charitable or public institutions, or destroyed. (F. D. C. No. 11129. Sample No. 43160-F.)

LABEL FILED: December 18, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about August 31, 1943, by E. J. Sheahan, from Seattle, Wash.

PRODUCT: 12 tubs, each containing 5 gallons, of unlabeled salad dressing, and 13 tubs, each containing 5 gallons, of labeled salad dressing at Portland, Oreg.

LABEL, IN PART: (13 tubs) "Green Garden Food Products * * * Seattle, Wash. * * * Salad Dressing Net Contents 1 Gallon." The remainder was unlabeled.

VIOLATIONS CHARGED: Adulteration (labeled tubs), Section 402 (b) (1), a valuable constituent, an edible food oil, had been in whole or in part omitted from the article; Section 402 (b) (2), an article containing a substantial amount of mineral oil, a non-nutritive substance, had been substituted for salad dressing, a product offered for general food use; and, Section 402 (b) (4), a substance, mineral oil, having no food value, had been added to the article or mixed or packed with it so as to reduce its quality or strength.

Misbranding (labeled tubs), Section 403 (a), the statement which appeared on the labeling, "Cottonseed Oil, Fresh Eggs, Sugar, Vinegar, Cornstarch and Spices. Color Added Salad Dressing," was false and misleading as applied to the article, which contained a substantial amount of mineral oil; Section 403 (b), the statement appearing in the labeling, "Net Contents 1 Gallon," was false and misleading since the tubs contained 5 gallons; and Section 403 (e)