

lots contained little or no peanut oil, and other lots contained little or no cottonseed oil. All lots were artificially colored, and 1 lot was also artificially flavored. Portions of the gallon cans were found to be short-volume.

**LABEL, IN PART:** (Main panels) "Santuzza Brand 80% Cotton Seed and Peanut Oil 20% Imported Olive Oil Packed By Mamma Mia Importing Co. Inc. Brooklyn, N. Y."; (side panels) "The Santuzza Brand is a delicious blend of Oils We recommend it for Salads Frying Baking Mayonnaise and any other Culinary Purpose." There were similar statements in Italian.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), cottonseed oil, or an artificially colored mixture of soybean and cottonseed oil or soybean and corn oil, or an oil similar to corn oil, with or without the addition of peanut oil, and containing little or no olive oil, had been substituted in whole or in part for 80 percent cottonseed and peanut oil and 20 percent imported olive oil, which the article purported and was represented to be; and (one lot), Section 402 (b) (4), artificial flavoring and coloring had been added to the article or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), most of the libels filed contained the charge that the brand name "Santuzza" coupled with the design on the label, statements in Italian on side panels, and the word "Importing" appearing in the name of the firm which packed the oil, were misleading since they created the impression that the article or a substantial portion of it consisted of imported olive oil. The article contained little or no imported olive oil.

Further misbranding (a majority of the cases), Section 403 (a), the statement "One Gallon Net" was false and misleading as applied to an article which was short-volume, and the statement, "80% Cottonseed and Peanut Oil 20% Imported Olive Oil," was false and misleading as applied to an article containing little or no olive oil and, in some instances, little or no peanut oil and, in others, little or no cottonseed oil. All of the libels contained one or more of the following charges of misbranding: Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; Section 403 (f), the labels contained representations in a foreign language, and the common or usual name of each ingredient did not appear thereon as required; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since, in some cases, soybean oil was not listed; and, Section 403 (k), the article contained artificial coloring and, in one instance, artificial flavoring and failed to bear labeling stating that fact.

Further misbranding (one lot), Section 403 (c), the article was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

**DISPOSITION:** August 19, 1946. The Mamma Mia Importing Co., Inc., having appeared as claimant for all lots of the product and having consented to the entry of decrees, the libels were ordered consolidated, with the exception of that against the lot of 140 cases and 5 cases of the product at Jersey City. Judgments were entered condemning all 11 lots and ordering that the product be released under bond to be relabeled and repacked, or destroyed, under the supervision of the Federal Security Agency.

**10182. Adulteration and misbranding of salad oil and adulteration of salad dressing. U. S. v. 5 Cases of Salad Dressing (and 16 other seizure actions against salad oil and salad dressing). Default decrees of condemnation and destruction.** (F. D. C. Nos. 17218, 17219, 17234, 17337, 17394 to 17397, incl., 17552, 17553, 17599, 17600, 17691 to 17693, incl., 17727, 17922. Sample Nos. 20504-H, 21067-H, 21068-H, 21267-H, 21362-H, 24011-H, 24607-H, 24610-H to 24612-H, incl., 24741-H, 25109-H, 29896-H, 29903-H, 29905-H to 29907-H, incl., 29909-H to 29912-H, incl., 30710-H, 30711-H.)

**LIBELS FILED:** Between August 29 and October 13, 1945, Eastern District of Louisiana, Northern District of Texas, Northern District of California, Western District of Missouri, District of Nebraska, and District of Kansas.

**ALLEGED SHIPMENT:** Between May 11 and August 16, 1945, from Ardmore, Okla., by Gilmer W. Sparger, trading as Puny's WOP Salad Dressing Co., and Puny Sparger.

**PRODUCT:** 616 cases and 140 1-pint bottles and 194 8-ounce bottles of salad dressing, and 15 cases of salad oil, at Bogalusa and New Orleans, La., Dallas and Fort Worth, Tex., San Francisco and Oakland, Calif., Kansas City, Mo.,

Fremont, Nebr., and Hutchinson and Baxter Springs, Kans. Some of the cases contained 24 bottles in either 8-ounce or 1-pint sizes, and other cases contained 4 bottles in 1-gallon sizes. The salad dressing contained mineral oil in amounts ranging from 6 percent to 29 percent. The so-called salad oil consisted of artificially colored mineral oil.

**LABEL, IN PART:** "Puny's Famous W. O. P. Salad Dressing \* \* \* Contains: Vegetable or Cottonseed Oil, Vinegar, Salt, Water, Herbs and Spices," or "Puny's Famous Salad Oil Non-Caloric, Non-Fattening, No Food Value Contains: White Mineral Oil U. S. P. and Extract of Annatto Seed."

**NATURE OF CHARGE:** Salad dressing. Adulteration, Section 402 (a) (1), the article contained added mineral oil, a deleterious substance, which may have rendered it injurious to health; and, Section 402 (b) (2), a substance containing nonnutritive mineral oil had been substituted in whole or in part for salad dressing containing vegetable or cottonseed oil, which the article was represented to be.

Salad oil. Adulteration, Section 402 (b) (2), mineral oil and an extract of annatto seed (an artificial color) had been substituted in whole or in part for salad oil. Misbranding, Section 403 (a), the designation "Salad Oil" was false and misleading as applied to artificially colored mineral oil; the label statement "Makes Any Salad Dressing Better" was false and misleading since the article could not be used in making salad dressing; and the labeling was misleading in that it failed to reveal the material fact that the article contained an oil which would interfere seriously with the assimilation of certain essential vitamins and minerals, and that when used as salad oil it might render the product in which so used injurious to health.

**DISPOSITION:** Between October 8, 1945, and January 22, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

#### SPICES, FLAVORS, AND SEASONING MATERIALS

**10183. Adulteration and misbranding of prepared mustard. U. S. v. Jas. H. Forbes Tea and Coffee Co. and Frederick E. Stillman. Motion to quash overruled. Pleas of nolo contendere. Corporation fined \$800; individual, \$200. (F. D. C. No. 16503. Sample Nos. 22648-H, 22649-H.)**

**INFORMATION FILED:** August 14, 1945, Eastern District of Missouri, against Jas. H. Forbes Tea and Coffee Co., a corporation, St. Louis, Mo., and Frederick E. Stillman, vice president and secretary.

**ALLEGED SHIPMENT:** On or about January 23 and 29, 1945, from the State of Missouri into the State of Illinois.

**PRODUCT:** Examination of the product showed the presence of insects and insect fragments, and the jars were found to contain less than the declared weight.

**LABEL, IN PART:** "9 Oz. Net Forbes Martha Washington Brand \* \* \* Pure Prepared Mustard."

**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 insect fragments and insects; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** On October 5, 1945, the defendants filed a motion to quash the counts charging adulteration of the product on the grounds that the information did not allege that the mustard was deleterious or dangerous to the health of the consumer, and that the information did not set forth the amount of the insect fragments either by count or percentage. On April 9, 1946, defendants' motion to quash having been overruled, pleas of nolo contendere were entered and the corporation and the individual defendant were fined \$800 and \$200, respectively.

**10184. Misbranding of prepared mustard. U. S. v. 200 Cases of Prepared Mustard. Product ordered released under bond. (F. D. C. No. 15879. Sample No. 23727-H.)**

**LABEL FILED:** On or about April 7, 1945, Southern District of Texas.