

13866. Adulteration and misbranding of oil. U. S. v. 180 Cases * * *
(F. D. C. No. 25056. Sample No. 8144-K.)

LIBEL FILED: July 9, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about June 11, 1948, by the Lentini Olive Oil Packing Co., from Brooklyn, N. Y.

PRODUCT: 180 cases, each containing 6 1-gallon cans, of oil at Stamford, Conn.
The product was artificially flavored peanut oil containing little, if any, olive oil.

LABEL, IN PART: "Angelus 80% Peanut Oil 20% Pure Olive Oil."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted; and, Section 402 (b) (4), artificial flavoring had been added to the article and mixed and packed with it so as to make it appear to be, or to contain substantial amounts of, olive oil, which is better and of greater value than peanut oil.

Misbranding, Section 403 (a), the label statement "20% Pure Olive Oil" was false and misleading as applied to the article, which contained little, if any, olive oil.

DISPOSITION: December 9, 1948. The Lentini Olive Oil Packing Co. and the Lentini Packing Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, to be used in the manufacture of soap, under the supervision of the Food and Drug Administration.

13867. Adulteration and misbranding of french dressing. U. S. v. 150 Cases * * *. Tried to the jury. Verdict for Government. Decree of condemnation. (F. D. C. No. 17531. Sample No. 52911-H.)

LIBEL FILED: February 27, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 8, 1946, by Louis Milani Foods, from Chicago, Ill.

PRODUCT: 150 cases, each containing 24 8-ounce bottles, of french dressing at Cincinnati, Ohio.

LABEL, IN PART: "French Lady French Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, oil, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the designation "French Dressing" was false and misleading as applied to a product which contained an insignificant amount, if any, of oil; and, Section 403 (b), the article was offered for sale under the name of another food.

DISPOSITION: Louis Milani Foods appeared as claimant and filed exceptions to the libel, on the grounds that the libel did not state on its face any violations of the law nor did it show that the product was adulterated or misbranded within the meaning of the law. On August 9, 1946, after consideration of the briefs and arguments of counsel, the court entered an order overruling the exceptions to the libel. On August 13, 1946, the claimant filed an answer, denying that the product was adulterated and misbranded. The case came on for trial before a jury on October 28, 1946, and continued to October 30, 1946, at which time the jury returned a verdict in favor of the Government. Thereafter, a motion for a new trial was filed on behalf of the claimant, but on a hearing of the matter on November 18, 1946, the court overruled such motion. On July 28, 1947, the claimant having surrendered all claims to the

product, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

13868. Adulteration and misbranding of french dressing. U. S. v. 20 Cases (and 2 other seizure actions). (F. D. C. Nos. 22781, 23032, 23123. Sample Nos. 68075-H, 69009-H, 69764-H, 69765-H.)

LIBELS FILED: March 28 and May 20, 1947, District of Nebraska and Northern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and December 2, 1946, by the George Importing Co., from Chicago, Ill.

PRODUCT: French dressing. 20 cases at Omaha, Nebr., 44 cases at Gary, Ind., and 59 cases at Bluffton, Ind. Each case contained 24 bottles, varying in size from 8 to 16 ounces.

LABEL, IN PART: "Maurice's French Dressing Contains salad oil, vinegar, water, sugar, paprika, spices, tomato puree and gum tragacanth."

NATURE OF CHARGE: Adulteration (all lots), Section 402 (b) (1), valuable constituents, edible vegetable oil and (Omaha lot only) sugar, had been omitted from the product; (Omaha and Gary lots and portion of Bluffton lot) Section 402 (a) (2), the product contained an added deleterious substance, mineral oil, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice; (Omaha and Gary lots and portion of Bluffton lot) Section 402 (b) (2) a product containing nonnutritive mineral oil and (Omaha lot only) saccharin had been substituted in whole or in part for French dressing containing edible vegetable oil and sugar; and (Gary and Bluffton lots), Section 402 (b) (4), artificial coloring had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding (all lots), Section 403 (a), the label statement "French Dressing" was false and misleading.

DISPOSITION: March 21, May 15, and July 8 and 15, 1947. Default decrees of condemnation and destruction.

13869. Adulteration of mayonnaise. U. S. v. 97 Cases * * *. (F. D. C. No. 22395. Sample No. 62236-H.)

LIBEL FILED: January 16, 1947, District of Montana.

ALLEGED SHIPMENT: On or about November 26 and December 2, 1946, by H. C. Exby, from Cody, Wyo.

PRODUCT: 97 cases, each containing 12 14-ounce jars, of mayonnaise at Butte, Mont.

LABEL, IN PART: "Harry's Mayonnaise—Ingredients: Mineral Oil, Vinegar, Pepper, Lemon Juice, Eggs, Paprika, Salt and Sugar, Marshmallow and U. S. Certified Color."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the product contained approximately 70 percent of added mineral oil, a deleterious substance, which may have rendered it injurious to health; Section 402 (b) (1), a valuable constituent, edible vegetable oil, had been in whole or in part omitted; Section 402 (b) (2), a product containing mineral oil had been substituted for mayonnaise, which contains edible vegetable oil and does not contain mineral oil; and, Section 402 (b) (4), mineral oil had been added to the product and mixed and packed with it so as to reduce its quality and strength.