

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.)

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