

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