

Olive Oil Extra Fine Imported Lucca Italy [design of olive branches] Prodotti Italiani. We guarantee our olive oil to be absolutely pure under any chemical analysis—insuperable for table use and excellent for medicinal purposes, Imported from Italy [and similar statements in Italian]"; (2) in that it was offered for sale under the name of another food; and (3) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

3620. Misbranding of salad dressing. U. S. v. 30 Cases of Salad Dressing. Default decree of condemnation. Product ordered delivered to a local charitable organization. (F. D. C. No. 6740. Sample Nos. 84526-E, 84724-E.)

Examination showed that this product was French dressing consisting essentially of peanut oil, vinegar, and spices, with little or no olive oil.

On January 20, 1942, the United States attorney for the District of New Jersey filed a libel against 30 cases, each containing 12 6-ounce bottles, of salad dressing at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 21 and December 31, 1941, by C. F. Matlage Sales Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: (Bottles) "You-All Brand French Salad Dressing."

The article was alleged to be misbranded (1) in that the statement in the labeling, "Made with imported pure olive oil, the finest salad oil," was false and misleading as applied to an article containing little or no olive oil; and (2) in that the statement, "Guaranteed to comply with all pure food laws," was false and misleading in that it was incorrect.

On April 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization, after said organization had destroyed the labels.

3621. Misbranding of oleomargarine. U. S. v. 50 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6660. Sample No. 54452-E.)

Examination showed that this product was deficient in fat.

On January 5, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 50 cases, each containing 30 1-pound cartons, of oleomargarine at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 11, 1941, by Capital City Products Co. from Columbus, Ohio; and charging that it was misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard since it contained less than 80 percent of fat. The article was labeled in part: "Kingnut Brand Vegetable Oleomargarine."

On January 23, 1942, Capital City Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was converted into oil.

SACCHARINE PRODUCTS

CANDY

3622. Action to enjoin and restrain distribution in interstate commerce of adulterated candies. U. S. v. G. T. Edwards (G. T. Edwards & Co.). Consent decree granting permanent injunction. (Inj. No. 7.)

On January 14, 1941, the United States attorney for the Northern District of Georgia filed a complaint against G. T. Edwards, trading as G. T. Edwards & Co. at Atlanta, Ga., alleging that from on or about September 12, 1942, to the date of filing the complaint, the defendant had been manufacturing, packing, and shipping candy under insanitary conditions whereby it might have become contaminated with filth; that the food so prepared and packed consisted in whole or in part of a filthy, putrid, and decomposed substance that was unfit for food and was adulterated in violation of the law; and that the candy so prepared and packed was being offered for interstate shipment. The complaint alleged further that the defendant had failed to remedy the defects existing in his plant and was continually manufacturing and packing adulterated candy; that he would continue to ship such adulterated candy in interstate commerce unless enjoined from doing

so; and prayed that a preliminary injunction issue and that after due proceedings the preliminary injunction be made permanent.

On January 23, 1941, the defendant having consented, a preliminary injunction was granted; and on February 8, 1941, the defendant having admitted the allegations of the complaint and having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and anyone acting on his behalf from introducing and delivering for introduction in interstate commerce any candy or other food product that was adulterated within the meaning of the law.

3623. Action to enjoin and restrain distribution of Slend-R-Form, a misbranded candy. U. S. v. Riley Products, Inc., a corporation, and George C. Riley. Judgment ordering permanent injunction. (Inj. No. 15.)

On February 2, 1942, the United States attorney for the Northern District of Illinois filed a complaint against Riley Products, Inc., a corporation, and George C. Riley, an officer of said corporation, alleging that the defendants for several months past, and more particularly on or about October 28, 1940, had been introducing and delivering for introduction in interstate commerce, a product consisting of a drug and a food, labeled in part "Slend-R-Form the New Candy," alleging that it was in form and appearance ordinary caramel candy, that it was packed, distributed, and sold by the defendants in cardboard cartons which cartons and smaller cartons contained therein and accompanying circulars had printed thereon statements with reference to its efficacy and the quantity of administration thereof.

The complaint alleged further that the labeling of the article was false and misleading in that it created the impression in the minds of the purchaser that it was a reducing agent and that when consumed in the manner and in the quantity recommended in the labeling, it would be of substantial value in reducing body weight, whereas it contained no ingredients or combination of ingredients capable of producing the effects claimed for it as a reducing agent when consumed in accordance with the directions contained in the labeling.

The complaint alleged further that the defendants, unless restrained by the court, would continue to introduce and deliver for introduction in interstate commerce the said article or a similar article of food or drugs misbranded in the manner aforesaid; and prayed that they be permanently enjoined and restrained from doing so, and that a temporary restraining order and preliminary injunction issue. On the same date, the United States attorney filed a motion for an order to show cause why the defendants should not be enjoined and restrained during the pendency of the action.

On February 6, 1942, the court entered a preliminary injunction against the defendants pursuant to the prayer contained in the complaint.

On April 10, 1942, the cause having been called for a hearing, judgment was entered permanently enjoining and restraining Riley Products, Inc., George C. Riley, their agents, employees, and representatives and all others acting by or under their direction or authority or in active concert or participation with them from introducing or delivering for introduction in interstate commerce, the product labeled in part "Slend-R-Form, the New Candy" or a similar article of food or drug similarly labeled. It was provided further that the United States of America recover the costs of the action.

3624. Adulteration of candy. U. S. v. American Candy Manufacturing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 4166. Sample Nos. 35107-E, 35538-E, 35539-E, 35692-E, 99024-E to 99026-E; incl.)

Examination showed that this product was contaminated with rodent hairs, insect fragments, and miscellaneous filth.

On August 25, 1941, the United States attorney for the Southern District of Alabama filed an information against the American Candy Manufacturing Co., Selma, Ala., alleging shipment in interstate commerce within the period from on or about August 5, 1940, to on or about January 15, 1941, from the State of Alabama into the States of Louisiana, Florida, and Mississippi, of quantities of candy that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Fairfield Candy Sticks," "Quick Seller," or "Mammoth Peanut Bar."

On June 24, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.