

further in that the following statements were false and misleading in that they were incorrect: "This is to certify that this extract \* \* \* is guaranteed to comply with all \* \* \* National Pure Food Laws."

On January 24, 1940, a default decree of condemnation and destruction was entered.

**697. Misbranding of flavorings. U. S. v. 252 Bottles of Vanilla and 180 Bottles of Lemon Flavorings. Default decree of condemnation and destruction. (F. D. C. No. 1303. Sample Nos. 78743-D, 78744-D.)**

The containers of these products were deceptive because of indented paneling and consequent small ratio of contents to size of bottles; and also because of the unduly large size of the cartons.

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 252 bottles of vanilla flavoring and 180 bottles of lemon flavoring at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about October 2 and 3, 1939, by Pennex Products Co., Inc., from Pittsburgh, Pa.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. They were labeled in part: "Pennex Brand Pure Vanilla [or "Lemon"] Flavoring."

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**698. Adulteration and misbranding of vanilla flavor. U. S. v. 13 Cases, 6 Cases, and 9 Cases of Vanilla Flavor. Default decree of condemnation and destruction. (F. D. C. No. 1182. Sample Nos. 79616-D, 79617-D, 79618-D.)**

This product was a mixture of vanillin and coumarin, artificially colored with caramel, and containing little or no vanilla. The bottles were paneled, which created the impression that they contained more than was actually the case.

On December 14, 1939, the United States attorney for the Northern District of Illinois filed a libel against 28 cases of vanilla flavor at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by A. J. Krank, Inc., from St. Paul, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Gemac Compound Vanilla Flavor Vanilline Vanilla Coumarin with Caramel Color \* \* \* Gemac Laboratories [or "Chicago Laboratories"] Chicago, Ill."

It was alleged to be adulterated in that inferiority had been concealed through the addition of artificial color. It was alleged to be adulterated further in that a substance consisting of vanillin and coumarin, artificially colored with caramel and containing little or no vanilla, had been mixed and packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that it was an imitation of another food and its label did not bear the word "imitation" in type of uniform size and prominence and immediately after the name of the food imitated. It was alleged to be misbranded further in that its container was so made, formed or filled as to be misleading.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**699. Misbranding of vanilla extract. U. S. v. 35 Dozen  $\frac{3}{4}$ -Ounce Bottles, 11 Dozen 2-Ounce Bottles, and 2 $\frac{1}{2}$  Dozen 4-Ounce Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 1607. Sample No. 75053-D.)**

The 2-ounce and the 4-ounce bottles were paneled, and had thickened glass on the sides and bottom, and long necks. The  $\frac{3}{4}$ -ounce and 2-ounce bottles were packed in cartons which were 50 percent larger than necessary.

On March 9, 1940, the United States attorney for the Western District of Wisconsin filed a libel against 48 $\frac{1}{2}$  dozen bottles of vanilla extract at La Crosse Wis., alleging shipment in interstate commerce on or about January 31, 1940, by the La Salle Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that the containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Florence Nightingale Brand Pure Vanilla Extract."

On April 24, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.