It was deceptively packaged in paneled, thick-walled, and long-necked bottles enclosed in unnecessarily large cartons. It also failed to comply with certain other labeling requirements of the law, described in the misbranding paragraph of this notice.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 5 gross cartons of vanilla flavor at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottle) "Middle-West Brand Pure Vanilla Flavor * * * Middle-West Bag & Paper Co. Chicago."

The article was alleged to be adulterated in that a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla had been substituted wholly or in part for pure vanilla flavoring; and in that inferiority had been concealed.

It was alleged to be misbranded in that the statements, "Flavoring Extract * * * Pure Extract * * * Guaranteed to comply with all requirements of the Pure Food Laws" and "Pure Vanilla Flavoring Alcohol 30% Middle-West Bag & Paper Co. Chicago," were false and misleading as applied to a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla and as applied to an article that did not comply with all the requirements of the law and did not contain 30 percent of alcohol but did contain a smaller amount. It was alleged to be misbranded further in that it was offered for sale under the name of another food; in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; in that its containers were so made, formed, or filled as to be misleading; in that it was in package form and its carton failed to bear the name and place of business of the manufacturer, packer, or distributor; in that it was in package form and the carton failed to bear an accurate statement of the quantity of the contents; in that the information required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary consumer under customary conditions of purchase since a portion of the bottle label was obscured by the [open-front] carton; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

1397. Misbranding of imitation vanilla flavor. U. S. v. 98 Cases of Imitation Vanilla Flavor. Decree of forfeiture. Product ordered released under bond to be rebottled. (F. D. C. No. 2557. Sample No. 5787-E.)

This product was contained in a bottle made of thick glass having indented panels and bottom and an excessively long neck. The carton was taller than necessary.

On August 15, 1940, the United States attorney for the Southern District of Indiana filed a libel against 98 cases of imitation vanilla flavor at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about April 20, 1939, and June 27, 1940, by the Frank Tea & Spice Distributing Co. from Cincinnati, Ohio; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Merritt Brand Quality * * * Imitation Vanilla Flavor."

On October 30, 1940, the Frank Tea & Spice Distributing Co. having appeared as claimant, judgment was entered forfeiting the product and ordering its release under bond conditioned that it be rebottled under the supervision of the Food and Drug Administration.

1398. Adulteration and misbranding of vanilla extract. U. S. v. 600, 324, and 396 Bottles of Vanilla Extract. Default decrees of condemnation and destruction. (F. D. C. No. 3109. Sample Nos. 15748-E, 15749-E, 39221-E, 39222-E.)

The resins found in this product did not possess the characteristics of true vanilla resins.

On September 28 and October 6, 1940, the United States attorney for the Eastern District of Missouri filed libels against 1,320 bottles of vanilla extract at St. Louis, Mo., alleging that the article had been shipped in interstate com-