

**1700. Misbranding of saffron. U. S. v. 445 Cans of Saffron. Default decree of condemnation and destruction. (F. D. C. No. 3421. Sample No. 52452-E.)**

Each of the cans in which this product was packed bore an inconspicuous statement that it contained 45 grains of saffron, but in fact it contained only an average of 28.5 grains of saffron. Moreover, this product occupied only about 40 percent of the space in the can.

On December 2, 1940, the United States attorney for the District of Montana filed a libel against 445 cans of saffron at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Gillett Saffron Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Gillett's Imported Saffron 45 Gr. Net Wt."

The article as alleged to be misbranded (1) in that the statement "45 Gr. Net Wt.," appearing on the cans, was false and misleading since it was incorrect; (2) in that it was in package form and the label did not contain an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; (3) in that the quantity of contents statement required by law, was not placed on the label prominently with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render said statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and (4) in that the containers were so made, formed, and filled as to be misleading.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.