

Nos. 2976 to 2978 report the seizure and disposition of candies which were represented to be efficacious in the treatment of obesity but which consisted substantially of caramel candy and which would furnish about the same amount of calories as that type of candy.

**2976. Misbranding of Ayds Candy. U. S. v. 17 Boxes of Ayds Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4269. Sample No. 28268-E.)

On April 9, 1941, the United States attorney for the District of Columbia filed a libel against 17 boxes of Ayds Candy, alleging that the article was in interstate commerce in the District of Columbia at the Vita Health Food Co., in the City of Washington, District of Columbia; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading since they were incorrect; and (2) in that the combination of letters "Ayds Candy," appearing on the package label, constituted a false and misleading device since it meant to purchasers that the article was an appropriate and effective aid in reducing body weight—having acquired such meaning because of statements and designs appearing in a circular bearing the title legends "Now! Many Lose Weight by New, Easy Plan. Ayds Easy Reducing Plan and Candy"; whereas the candy was not an effective and appropriate aid in reducing body weight.

It was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 593.

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2977. Misbranding of Slend-R-Form Candy. U. S. v. 58 Boxes of Slend-R-Form. Default decree of condemnation and destruction.** (F. D. C. No. 4290. Sample Nos. 24696-E, 31283-E.)

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 58 boxes of Slend-R-Form Candy at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, by Thomas Martindale & Co. from Philadelphia, Pa.; and charging that it was misbranded. This was a returned shipment and was part of a lot originally shipped to Philadelphia by Riley Products, Inc., from Chicago, Ill.

The article was alleged to be misbranded in that the representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 595.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2978. Misbranding of Slend-R-Form Candy. U. S. v. 9¼ Dozen Boxes of Slend-R-Form Candy (and 12 other seizure actions against Slend-R-Form Candy). Default decrees of condemnation. Portions of product ordered distributed to charitable institutions; remainder ordered destroyed.** (F. D. C. Nos. 3599, 3916, 3924, 3998, 4017, 4201, 4678, 4768, 5048, 5239, 5240, 5749, 5758. Sample Nos. 5181-E, 11404-E, 22302-E, 38942-E, 39706-E, 43590-E, 44652-E, 47481-E, 52318-E to 52320-E, incl., 55422-E, 55604-E, 58291-E, 79926-E.)

Between December 28, 1940, and September 17, 1941, the United States attorneys for the Eastern District of Missouri, Western District of Washington, Northern District of California, District of Oregon, Southern District of Ohio, Western District of Louisiana, Northern District of Oklahoma, Eastern District of Wisconsin, Southern District of Indiana, and the District of Minnesota filed libels against 9¼ dozen boxes of Slend-R-Form at St. Louis, Mo.; 451 boxes at Seattle, Wash.; 140 boxes at San Francisco, Calif.; 19 dozen boxes at Portland, Oreg.; 140 boxes at Dayton, Ohio; 25 boxes at Appleton, Wis.; 54 boxes at Lake Charles, La.; 24 boxes at Tulsa, Okla.; 126 boxes at Milwaukee, Wis.; 16 boxes at Indianapolis, Ind.; and 274 packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about October 28, 1940, to on or about August 7, 1941, by Riley Products, Inc., from Chicago, Ill. On March 10, 1941, the United States attorney for the District of Colorado filed a libel against 8 dozen boxes of Slend-R-Form Candy at Denver, Colo., which had been shipped by the Riley Products, Inc., from Chicago, Ill., on or about December 3, 1940.

The article was alleged to be misbranded in that representations in the labeling regarding its efficacy in effecting a reduction of body weight in the consumer were

false and misleading. It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 594.

Between January 30, 1941, and March 4, 1942, no claimant having appeared, judgments of condemnation were entered. The portions of the product located at Denver, Dayton, and Minneapolis were ordered distributed to charitable institutions and the remaining lots were ordered destroyed.

### FLAVORS AND SPICES

**2979. Adulteration and misbranding of vanilla flavor. U. S. v. 11 Jugs of Vanilla Flavor. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 6056. Sample Nos. 73319-E, 73320-E.)**

This product consisted of a water-alcohol solution of ethyl vanillin, coumarin, and caramel color.

On October 22, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 11 jugs of vanilla flavor at Enid, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about July 17 to on or about August 7, 1941, by the Commercial Coffee Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: "Chef's Delight Brand Standard Vanilla Flavor."

The article was alleged to be adulterated in that an imitation vanilla flavoring consisting of a water-alcohol solution of ethyl vanillin, coumarin, and caramel color had been substituted in whole or in part for standard vanilla flavor, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Standard Vanilla Flavor" was false and misleading as applied to an article that was an imitation vanilla flavor; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On December 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**2980. Adulteration and misbranding of vanilla extract. U. S. v. 11 Dozen Bottles of Vanilla Extract. Default decree of condemnation; product ordered delivered to Food and Drug Administration for technical purposes. (F. D. C. No. 3894. Sample No. 46731-E.)**

This product was deficient in vanilla resins and contained artificial flavor and other substances foreign to vanilla extract as indicated by the presence of excessive mineral matter.

On February 28, 1941, the United States attorney for the District of New Jersey filed a libel against 11 dozen bottles of vanilla extract at Hoboken, N. J., alleging that the article had been shipped by General Desserts Corporation from New York, N. Y., on or about December 19, 1940; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Contents 4 Fl. Oz. \* \* \* American House Pure Extract Vanilla."

The article was alleged to be adulterated (1) in that an imitation vanilla extract deficient in vanilla resin and containing added ash material and artificial flavor had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of ash material and artificial flavoring; and (3) in that ash material and artificial flavoring had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract deficient in vanilla resin and containing added ash material and artificial flavoring; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (4) in that it contained artificial flavoring and failed to bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration to be used for technical purposes.