

The vanilla flavor (with the exception of the lot at Bremerton) was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (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. The lot at Miami was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading. The lot of vanilla flavor at Bremerton was alleged to be misbranded (1) 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; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

The lemon flavor was alleged to be adulterated in that a substance, namely, a non-alcoholic lemon flavor containing less than 20 percent of oil of lemon, had been submitted for non-alcoholic lemon flavor containing 20 percent of oil of lemon. It was alleged to be misbranded in that the statements, "Formula: Oil of lemon (U. S. P. (by volume)) 20 Per Cent" and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly," were false and misleading since it contained less than 20 percent of oil of lemon.

On October 25, 1941, the Plantation Extract Corporation having intervened and filed an answer denying the allegations of the libel against the 68 bottles of vanilla flavor at Fort Screven, Ga., the case was ordered transferred to the Eastern District of New York for consolidation with other cases for the purpose of trial. On November 26, 1941, Sol Loeb Co. having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering the case severed from the order of consolidation and further ordering that it be condemned but that it be released to the claimant under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration. Between May 28 and December 8, 1941, no claimant having appeared for the remaining lots of vanilla nor for the lemon flavor, decrees were entered ordering that they be destroyed.

2983. Misbranding of spices. U. S. v. 24½ Gross Cans of Black Pepper, 33 Gross Cans of White Pepper, 8 Gross Cans of Nutmeg, 6 Gross Cans of Cloves, and 6½ Gross Cans of Curry Powder. Default decree of condemnation and destruction. (F. D. C. No. 5685. Sample Nos. 74309-E to 74311-E, incl., 74313-E, 74314-E.)

These products occupied approximately 75 percent of the capacity of the containers and all, except the nutmeg, were short weight.

On September 16, 1941, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped on or about July 25, 1941, by Mutual Spice Co., Inc., from Bridgeport, Conn.; and charging that they were misbranded. The articles were labeled in part: "Continental Brand Ground Black Pepper [or "White Pepper," "Nutmeg," "Cloves," or "Curry Power"] Contents 1¼ Oz. Continental Oil Co. Distributors—Bronx, N. Y."

They were alleged to be misbranded in that their containers were so filled as to be misleading, since the spice did not occupy a reasonable amount of the available space. The black pepper, white pepper, cloves, and curry powder were alleged to be misbranded further in that the statement "Contents 1¼ Oz." was false and misleading as applied to articles that contained less than 1¼ ounces; and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On November 5, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2984. Adulteration and misbranding of paprika and cayenne pepper. U. S. v. 12 Cans of Paprika and 5 Cartons of Cayenne Pepper (and 4 other seizure actions against paprika). Default decrees of condemnation and destruction. (F. D. C. Nos. 4921 to 4924, incl., 5199. Sample Nos. 69181-E, 69182-E, 69185-E to 69187-E, incl., 69658-E.)

These products contained added cornstarch and artificial color.

On June 17 and July 21, 1941, the United States attorney for the District of New Jersey filed libels against 97 5-pound cans and 26 1-pound cans of paprika,