

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,

and 5 6-pound cartons of cayenne pepper at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about January 11 to on or about April 26, 1941, by Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated (1) in that paprika and pepper containing added cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper, respectively, which they purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or mixed or packed therewith so as to increase their bulk or weight, reduce their quality or strength, or make them appear better or of greater value than they were.

They were alleged to be misbranded (1) in that the statements "Imported Sweet Paprika," "Pure Imported Paprika," "Pure Imported Sweet Paprika," and "Pure Cayenne Pepper," borne on the labels, were false and misleading as applied to articles containing added cornstarch and artificial color; (2) in that they were offered for sale under the names of other foods; (3) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the names of the foods imitated; (4) in that they were in package form and did not bear labels containing the name and place of business of the manufacturer, packer, or distributor; (5) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient; and (6) in that they contained artificial coloring and did not bear labeling stating that fact.

On September 4, 1941, no claimant having appeared, decrees of condemnation were entered and the products were ordered destroyed.

2985. Adulteration of ginger root. U. S. v. 47 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond to be converted into an inedible product. (F. D. C. No. 6356. Sample No. 67714-E.)

Examination showed that this product contained worm holes and further evidence of insect infestation.

On December 4, 1941, the United States attorney for the Western District of Tennessee filed a libel against 47 bags containing 5,229 pounds of ginger at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by J. R. Watkins Co. from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 562.

On February 27, 1942, J. R. Watkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted under the supervision of the Food and Drug Administration into an inedible product.

VITAMIN PREPARATIONS

2986. Adulteration and misbranding of Adiron. U. S. v. 20 Bottles, 16 Bottles, and 600 Sample Packages of Adiron. Default decree of condemnation and destruction. (F. D. C. No. 4252. Sample Nos. 60557-E, 60558-E.)

This product was deficient in vitamin A and its label bore false and misleading claims regarding its efficacy in the treatment of anemia.

On April 9, 1941, the United States attorney for the Eastern District of Washington filed a libel against 20 bottles each containing 60 tablets, 16 bottles each containing 250 tablets, and 600 sample packages of Adiron at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 5 and March 7, 1941, from Chicago, Ill., by the Lawrence Laboratories; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement appearing on the label, "Adiron * * * Tablets, each contain * * * 1200 U. S. P. XI Units Vitamin 'A,'" was false; (2) in that the following statements appearing in the labeling, "Adiron is guaranteed to carry these minimum potencies per average tablets: 1,200 USP XI Units Vitamin 'A.'" and "This core is the concentrate of the vitamins, equivalent in vitamins 'A' and 'D' to one-half teaspoonful of fresh U. S. P. standard cod liver oil," were false when applied to an article