

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was misbranded in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Rio Del Mar Brand * * * Contents 8 Oz. Avoir. or 227 Grams * * * Packed by Del Mar Canning Co., Monterey, Calif."

On October 5, 1942, the Del Mar Canning Co. of Monterey, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4157. Misbranding of canned tuna fish. U. S. v. New York Wholesale Grocery Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 2864. Sample Nos. 10412-E to 10414-E, incl.)

On September 28, 1942, the United States attorney for the Southern District of New York filed an information against the New York Wholesale Grocery Co., Inc., New York, N. Y., alleging that between December 19, 1939, and March 22, 1940, the defendant received from the French Sardine Co., Inc., of Terminal Island, Calif., two consignments of food contained in unlabeled cans; that the cans were shipped in cases labeled "48½ Unlabeled Bonita SS 25 Mann N. Y. W. G. Co."; that thereafter and between the above dates and while the article was being held by the defendant for sale after shipment in interstate commerce, the defendant unlawfully affixed and caused to be affixed to a number of the cans a label bearing the following statements and design: "New York's Best Brand Light Meat Tuna Fish [design of a tuna fish] Contents 7 Ozs. Quality NYB Foods. New York Wholesale Grocery Co., Inc. Distributors, New York, N. Y." The information alleged further that the acts of the defendant of affixing and causing the labels to be affixed to the said cans resulted in the article being misbranded (1) in that the statement "Light Meat Tuna" was false and misleading since the article did not consist of light meat tuna but consisted of bonita; (2) in that it was offered for sale under the name of another food, i. e., light meat tuna; and (3) in that the labels did not bear the common or usual name of the article, namely, bonita.

On October 6, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

4158. Adulteration of crab meat. U. S. v. 3 Barrels and 3 Barrels of Crabmeat. Default decrees of condemnation and destruction. (F. D. C. Nos. 8084, 8131. Sample Nos. 24018-F, 24021-F.)

This product was contaminated with fecal *Esch. coli*.

On July 28 and 31, 1942, the United States attorney for the District of Maryland filed libels against 6 barrels, containing a total of 420 1-pound cans, of crab meat at Crisfield, Md., which had been consigned by L. R. Carson, Inc., alleging that the article had been shipped in interstate commerce on or about July 28, 1942, from Tangier, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Embossed on cans) "Crabmeat 1 Lb. Net L. R. Carson, Inc. Crisfield, Md."

On September 2 and 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FLAVORS, SPICES AND CONDIMENTS

4159. Adulteration and misbranding of vanilla flavor. U. S. v. Joseph Frimel, Jr., (Commercial Coffee Co.). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 7229. Sample Nos. 73319-E, 73320-E.)

On August 22, 1942, the United States attorney for the Eastern District of Missouri filed an information against Joseph Frimel, Jr., trading as the Commercial Coffee Co. at St. Louis, Mo., alleging shipment on or about July 17 and August 7, 1941, from the State of Missouri into the State of Oklahoma of a number of jugs of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Jugs) "Chef's Delight Brand * * * Standard Vanilla Flavor R. J. Diehl Flavoring Ext. Co. St. Louis, Mo.," or (carton containing 4 jugs, shipment of July 17) "Std. Vanilla Extr."

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

It was alleged to be misbranded (1) in that the statements "Standard Vanilla Flavor" and "Std. Vanilla Extr." were false and misleading; (2) in that it was