

5995. Misbranding of vanilla extract. U. S. v. 7 Gross Cartons of Vanilla Extract. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 10469. Sample No. 22850-F.)

LIBEL FILED: August 26, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about July 28, 1943, from Brooklyn, N. Y., by Safe Owl Products, Inc.

PRODUCT: 5 gross cartons, each containing 1 ½-ounce bottle, and 2 gross cartons, each containing 1 1½-ounce bottle of vanilla extract at Atlantic City, N. J.

LABEL, IN PART: "Safe Owl Pure Extract ½ Fl. Oz. [or "1½ Fluid Ounces"] Vanilla."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), a portion of the article ½ oz. size) was alleged to be misbranded in that the statement "½ Fl. Oz." was false and misleading as applied to an article that was short volume; Section 403 (d), its container was so made and filled as to be misleading, since the carton was too wide for the bottle and the bottle was too tall for its capacity, and it did not fill a reasonable amount of the available space in the carton; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The other portion (1½ oz. size) was alleged to be misbranded, Section 403 (d), in that its container was so made and filled as to be misleading, since the carton was too tall and too wide for the bottle, and the bottle did not occupy a reasonable amount of the available space.

DISPOSITION: December 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

MISCELLANEOUS FOODS

5996. Misbranding of soup mix. U. S. v. 33 Cases of Soup Mix. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11138. Sample No. 49802-F.)

LIBEL FILED: November 18, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about July 27 and August 7, 1943, by the Pfaffman Co., Cleveland, Ohio.

PRODUCT: 33 cases, each containing 24 packages, of soup mix at Buffalo, N. Y.

LABEL, IN PART: (Packages) "Pfaffman's Kwik Soup Ingredients Chicken Noodle With Chicken Fat Ingredients—Extra rich pure Egg Noodles, Chicken fat, dehydrated parsley flakes, vegetable protein derivative (an artificial seasoning), salt and spice extractives."

VIOLATIONS CHARGED: Misbranding, Section 403 (a) the name "Chicken Noodle," appearing on the label, was false and misleading as applied to a soup mix containing no chicken meat or chicken extractives other than chicken fat, and the prominent statement "With Chicken Fat," appearing on the labeling, was misleading since the label failed to reveal with equal prominence that the article also contained hydrogenated vegetable oil and artificial flavor; Section 403 (i) (2), it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient, since hydrogenated vegetable oil was not declared.

DISPOSITION: January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5997. Adulteration and misbranding of soup mixture. U. S. v. 16 Cases of Soup Mixture. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10923. Sample No. 12568-F.)

LIBEL FILED: October 14, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 20 and August 23, 1943, by the Barker Food Products Co., Los Angeles, Calif.

PRODUCT: 16 cases of soup mixture at Yakima, Wash.

LABEL, IN PART: "Barkers Royal Soup Mixture."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, chicken meat extractives, had been omitted; and, Section 402 (b) (2) a noodle soup mix containing no chicken meat extractives had been substituted for chicken noodle soup mixture, which the article purported to be.

Misbranding, Section 403 (a), the name "Chicken Noodle" was false and misleading as applied to a noodle soup mix containing no chicken meat extractives; Section 403 (b), the article was offered for sale under the name of another food, chicken noodle soup mixture; Section 403 (e), the container was so filled as to be misleading since the packages were only approximately half filled with the product; and, Section 403 (k), the product contained artificial flavoring, monosodium glutamate, and failed to bear labeling stating that fact.

DISPOSITION: December 1, 1943. No claim having been entered, the product was condemned and ordered delivered to a charitable institution.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

5998. Adulteration and misbranding of candy. U. S. v. Joe Franklin Myers (Joe Franklin Myers Industries). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 10561. Sample No. 2369-F.)

INFORMATION FILED: On October 25, 1943, Northern District of Texas, against Joe Franklin Myers, trading under the firm name Joe Franklin Myers Industries, Dallas, Tex.

ALLEGED SHIPMENT: On or about March 8, 1943, from the State of Texas into the State of Illinois.

LABEL, IN PART: "Fruit Ice Sticks," or "Almond Crunch Sticks."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, carotene (vitamin A), riboflavin (B₂), and thiamine (B₁) had been in large part omitted.

Misbranding, Section 403 (a), the statements on the label, "These candies when made contained 2200 or more U. S. P. units of Carotene (Vitamin A) * * * 2000 or more units of Thiamine (B₁), 320 micrograms of Riboflavin (B₂) * * * to each pound," were false and misleading since it contained smaller amounts of the said vitamins than declared; and, Section 403 (j), in that it purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties, and its label did not bear a statement of the proportion of the minimum daily requirements for carotene (vitamin A), thiamine (B₁), and riboflavin (B₂) which would be supplied by the product when consumed as directed during a period of 1 day; and the label did not bear a statement, as required by the regulations, that the need in human nutrition for pyrodoxine (B₆) and pantothenic acid has not been established.

DISPOSITION: December 15, 1943. A plea of nolo contendere was entered and the defendant was fined \$100.

5999. Misbranding of Min-O-Malt (chocolate-flavored sirup). U. S. v. 19 Cartons of "Chocolate Flavor Syrup" (and 1 other seizure action against chocolate-flavored sirup). Decrees of condemnation. One lot ordered delivered to a charitable institution; remaining lot ordered released under bond for relabeling. (F. D. C. Nos. 10467, 12257. Sample Nos. 20236-F, 79234-F.)

LABELS FILED: August 26, 1943, District of Rhode Island; April 25, 1944, District of Columbia.

ALLEGED SHIPMENT: From on or about July 7 to August 9, 1943, by the Almonette Candy Co., Lynn, Mass.

PRODUCT: 19 cartons, each containing 24 jars, of chocolate-flavored sirup at Providence, R. I., and 65 cases, each containing 12 jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: (Jars) "Chocolate Flavor Syrup Enriched with Energizing Vitamins and Minerals 1 Lb. 6 Oz. Net Delicious MIN-O-MALT Nutritious."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that statements appearing on the jar label, "Energizing * * * For better resistance * * * For better digestion * * * For healthier teeth * * * For sounder bone structure * * * For more red blood cells * * * For quick energy * * * physical and mental well-being of the individual * * * for the normal functioning of the body processes * * * for buoyant health," and, in a folder accompanying the jar, "More Vitamin A than 6½ pounds of butter. More Vitamin B₁ than 250 pounds of cheese. More Vitamin D than 50 dozen eggs. More Calcium and Phosphorus than 40 quarts of milk. More Iron than 100 pounds of spinach," and further statements about vitamin and mineral needs, appearing in the folder, were false and misleading since the use of the product would not accomplish the results suggested and implied in that labeling; and in that the statement "1 Lb. 6 Oz. Net" was false and