

after, the name of the food imitated; Section 403 (k), it contained artificial flavoring and artificial coloring and it failed to bear labeling stating that fact; and (A. Sasso, Cirillo, Lucca and Puglia brands), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap factory, to be mixed with other fats intended for industrial purposes.

**9160. Misbranding of olive oil. U. S. v. 15 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15795. Sample No. 5960-H.)**

**LIBEL FILED:** April 5, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about January 19, 1945, by the Scarlata Olive Oil Co., from Manteca, Calif.

**PRODUCT:** 15 1-gallon cans of olive oil at Clifton, N. J. Examination showed that the product was short of the declared volume.

**LABEL, IN PART:** "Scarlata Brand Pure California Olive Oil Net Contents One Gallon."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** July 9, 1945. A. Farrinella and Co., Clifton, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that each can be refilled to contain a full gallon, under the supervision of the Food and Drug Administration.

### SPICES, FLAVORS, AND SEASONING MATERIALS

**9161. Adulteration and misbranding of cinnamon, white pepper, paprika, and nutmeg. U. S. v. William G. Dean, alias John C. Rivers, (Sure-Rise Baking Powder Co.). Plea of guilty. Sentence, 30 days in jail. (F. D. C. No. 9671. Sample Nos. 17789-F, 17790-F, 19192-F, 44802-F to 44807-F, incl., 44812-F.)**

**INFORMATION FILED:** May 3, 1945, Southern District of New York, against William G. Dean, alias John C. Rivers, trading as the Sure-Rise Baking Powder Co., New York, N. Y.

**ALLEGED SHIPMENT:** Between the approximate dates of April 28, 1942, and February 2, 1943, from the State of New York into the State of New Jersey.

**PRODUCT:** Examination disclosed that each of the products consisted in part of a foreign starch; that the paprika also contained artificial color; and that the cinnamon, nutmeg, and one of the five shipments of pepper were short-weight.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), mixtures containing foreign starch had been substituted in whole or in part for cinnamon, white pepper, paprika, and nutmeg; and, Section 402 (b) (4), a foreign starch had been added to the products or mixed or packed with them so as to reduce their quality and strength. Further adulteration, Section 402 (b) (3), the article labeled "Paprika" was inferior to paprika and had been artificially colored in a manner whereby such inferiority was concealed.

Misbranding, Section 403 (a), the label statements, "Cinnamon," "White Pepper," "Pure White Pepper," "Pure Ground White Pepper," "Fancy Paprika," and "Nutmeg," were false and misleading; and the statement "1 Lb. Net," appearing on the can labels of the cinnamon, nutmeg, and one of the shipments of white pepper, was false and misleading since the cans contained less than 1 pound. Further misbranding. Section 403 (b), the articles were offered for sale under the names of other foods; Section 403 (c), the article labeled "Paprika" was an imitation, 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; Section 403 (e) (1), the cinnamon, paprika, nutmeg, and two of the shipments of the white pepper failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the cinnamon, nutmeg, and one of the shipments of white pepper failed to bear labels containing an accurate statement of the quantity of the contents; Section 403 (i) (2), the labels of the articles failed to bear the common

or usual name of each ingredient; and, Section 403 (k), the paprika contained artificial coloring and failed to bear labeling stating that fact.

**DISPOSITION:** June 26, 1945. A plea of guilty having been entered, the court sentenced the defendant to serve 30 days in jail.

**9162. Adulteration of black pepper and imitation lemon flavor, and adulteration and misbranding of ground cinnamon. U. S. v. Lewis I. Temkin (La Salle Mfg. Co.).** Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 15503. Sample Nos. 40360-F, 59722-F, 66610-F, 68018-F, 80035-F, 80642-F.)

**INFORMATION FILED:** May 23, 1945, Northern District of Illinois, against Lewis I. Temkin, trading as the La Salle Mfg. Co., Chicago, Ill.

**ALLEGED SHIPMENT:** Between the approximate dates of November 29, 1943, and April 12, 1944, from the State of Illinois into the States of Ohio, Wisconsin, Michigan, and Missouri.

**LABEL, IN PART:** "Florence Nightingale \* \* \* Pure Ground Black Pepper [or "Pure Ground Cinnamon"], and "Cook's Pride Imitation Lemon Flavor."

**NATURE OF CHARGE: *Pepper.*** Adulteration, Section 402 (b) (2), substances, one of which consisted of ground, delinted cottonseed hulls, soybean meal, and ground black pepper, and the other of which consisted of ground buckwheat, buckwheat hulls, and ground black pepper, had been substituted in whole or in part for pure ground black pepper, which the article was represented to be; and, Section 402 (b) (4), ground, delinted cottonseed hulls and soybean meal, or ground buckwheat and buckwheat hulls, had been added to or mixed or packed with pure ground black pepper so as to reduce its strength and quality.

***Cinnamon.*** Adulteration, Section 402 (b) (2), substances, one consisting of seed meal and ground cinnamon, and the other consisting of seed meal, wheat starch, and ground cinnamon, had been substituted in whole or in part for pure ground cinnamon, which the article was represented to be; and, Section 402 (b) (4), seed meal alone, or seed meal and wheat starch, had been added to or mixed or packed with pure ground cinnamon so as to reduce its quality or strength. Misbranding, Section 403 (e) (2), the label on a portion of the article failed to bear an accurate statement of the quantity of the contents because the packages of that portion contained less than "1 Oz. Avd.," as was declared on the label; and, Section 403 (d), the containers of the article were so made, formed, and filled as to be misleading in that each container was filled to but 47 percent or 50 percent of capacity.

***Lemon flavor.*** Adulteration, Section 402 (b) (2), a substance with a faint odor of lemon and having little or no value as a flavoring had been substituted for imitation lemon flavor, which the article was represented to be; and, Section 402 (b) (4), water had been added to the article or mixed or packed with it so as to reduce its quality and strength.

**DISPOSITION:** September 26, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$125 on each count, a total fine of \$1,000.

**9163. Adulteration and misbranding of black pepper. U. S. v. 326 Packages of Black Pepper. Consent decree of condemnation and destruction.** (F. D. C. No. 15809. Sample No. 217-H.)

**LABEL FILED:** April 10, 1945, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about March 1, 1945, by the General Products Co., from Albany, Ga.

**PRODUCT:** 326 packages, each containing 2 ounces, of black pepper.

**LABEL, IN PART:** (In large, bold type) "Black Pepper"; (in smaller type) "Decortication"; (in still smaller type) "with buckwheat middlings added."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, pepper, had been in whole or in part omitted from the product; and, Section 402 (b) (2), a mixture of buckwheat hulls, bran, and flour with pepper shells had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the prominent label statement, "Black Pepper," was false and misleading as applied to a product consisting of a mixture of buckwheat hulls, bran, and flour with pepper shells, despite the inconspicuous statement, "Decortication with buckwheat middlings added."

**DISPOSITION:** May 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.