

PRODUCT: 98 cases, each containing 24 8-ounce cans, of spaghetti sauce with mushrooms at Portland, Oreg. Examination showed that the product was a spicy tomato sauce containing an insignificant amount of mushrooms, not sufficient to characterize the taste.

LABEL, IN PART: "Pulici Brand Spaghetti Sauce With Mushrooms."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, mushrooms, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Spaghetti Sauce With Mushrooms" was false and misleading.

DISPOSITION: September 9, 1946. The Louis Pulici Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

11294. Adulteration and misbranding of Tus Flavor (onion flavor). U. S. v. 8 Cans * * *. (F. D. C. No. 20023. Sample No. 18104-H.)

LIBEL FILED: June 7, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 21, 1944, by Magnus, Mabee & Reynard, Inc., from New York, N. Y.

PRODUCT: 8 25-pound cans of Tus Flavor at Chicago, Ill. The product was purchased by the consignee with the understanding that it was infused onion oil.

LABEL, IN PART: "Tus Flavor KS."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a yellow viscous oil with a strong onion-like odor, and containing asafoetida, had been substituted in whole or in part for infused onion oil.

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, i. e., infused onion oil.

DISPOSITION: November 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11295. Misbranding of vanilla extract and lemon extract. U. S. v. 137 Cases, etc. (and 1 other seizure action against vanilla and lemon extracts). (F. D. C. Nos. 19493, 19711. Sample Nos. 4799-H, 4800-H, 5274-H, 5275-H, 5381-H.)

LIBELS FILED: April 3 and 24, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of May 18, 1945, and March 14, 1946, by John Lecroy & Son, from Camden, N. J.

PRODUCT: 288 cases of vanilla extract and 76 cases of lemon extract at Philadelphia, Pa. Each case contained 12 ½-ounce bottles.

LABEL, IN PART: (Individual carton) "Relco Brand Quality Pack Pure Vanilla [or "Lemon"] Extract Distributed By Reliable Grocery Co. Inc. Philadelphia, Pa., or "Lecroy's Pure Vanilla [or "Lemon"] Extract."

NATURE OF CHARGE: Misbranding, Section 403 (d), the containers of the articles were so filled as to be misleading, since the individual cartons were excessively large for the size of the bottles contained therein, making the packages appear to contain more food than was actually the case.

DISPOSITION: September 26, 1946. John Lecroy & Son, claimant, having consented to the entry of a decree, the cases were ordered consolidated and judgment of condemnation was entered against both lots. The product was ordered released under bond to be repackaged and relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FOODS

11296. Adulteration of chewing gum. U. S. v. Gum Products, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 15518. Sample No. 15667-F.)

INFORMATION FILED: October 15, 1945, District of Massachusetts, against Gum Products, Inc., Boston, Mass.

ALLEGED SHIPMENT: Between the approximate dates of June 8 and 13, 1944, from the State of Massachusetts into the State of Texas.

LABEL, IN PART: "Yanks Chewing Gum,"

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, mites, a beetle head, sand, and nondescript vegetable matter; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 2, 1947. A plea of guilty having been entered, the court imposed a fine of \$100 against the defendant.

11297. Adulteration of mincemeat. U. S. v. 161 Pails * * *. (F. D. C. No. 20049. Sample No. 25180-H.)

LIBEL FILED: May 29, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 16, 1945, by the Brown Packing Co., from Philadelphia, Pa.

PRODUCT: 161 30-pound pails of mincemeat at New Orleans, La. Examination showed that the article contained maggots, fly eggs, and cast skins.

LABEL, IN PART: "Brown's Pure Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: July 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

11298. Alleged adulteration and misbranding of Nova-Tron capsules, Mina-Vita tablets, and Vita-Health tablets. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 20190. Sample Nos. 30656-H, 30667-H, 31389-H.)

INFORMATION FILED: October 15, 1946, Southern District of California, against Harlow B. Boyle and Charles E. Boyle, partners, trading as Boyle & Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about December 14, 1945, and January 15 and 23, 1946, from the State of California into the State of Arizona.

LABEL, IN PART: "Nova-Tron Boyle 'Pan-Vitamic' Formula," "Mina-Vita Vitamins and Minerals," or "Vita-Health Vitamins and Minerals."

NATURE OF CHARGE: Nova-Tron capsules, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since the article purported and was represented to contain in each capsule 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Each Capsule Contains * * * Vitamin D 1,000 U. S. P. Units * * * Each capsule supplies the following equivalent of minimum adult daily requirements * * * Vitamin D 2½ Times" were false and misleading. The article did not contain in each capsule 1,000 U. S. P. units of vitamin D, and each capsule of the article would not supply 2½ times the daily minimum requirement of vitamin D for adults.

Mina-Vita tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since two tablets of the article purported and were represented to contain 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Two Tablets Contain * * * Vitamin D (Irradiated Yeast)—1000 U. S. P. Units 2½ times minimum daily adult need" were false and misleading.

Vita-Health tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted and abstracted from it since one light tablet and one dark tablet of the article purported and were represented to contain 5,000 U. S. P. units of vitamin A, whereas one light tablet and one dark tablet of the article contained less than that amount. Misbranding, Section 403 (a), the label statements "One Light Tablet And Dark Tablet Contain: Vitamin A (From Fish Liver Oil)—5000 U. S. P. Units (1¼ times minimum daily requirement)" were false and misleading.

The information contained also charges of adulteration and misbranding of Hormo-Fen Capsules and misbranding of Hormo-Gen Capsules under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2105.