

19089. Adulteration and misbranding of vanilla flavor. U. S. v. 12 Dozen Bottles of Vanilla. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26839. I. S. No. 33762. S. No. 5020.)

Examination of samples of vanilla flavor from the shipment herein described having shown that the product was an imitation and that the bottles contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Virginia.

On August 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of vanilla flavor, remaining in the original unbroken packages at Rocky Mount, Va., alleging that the article had been shipped on or about June 12, 1931, by the Yerkes Chemical Co. (Inc.) from Winston-Salem, N. C., and had been transported in interstate commerce from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Yerkes Brand. * * * Contents 6 Ozs. Compound Vanilla Flavor * * * Manufactured and Guaranteed by Yerkes Chemical Company, Inc. * * * Winston-Salem, N. C."

Adulteration was alleged in that an imitation vanilla flavor had been substituted for the article. Adulteration was further alleged in that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Contents 6 Ozs. Compound Vanilla Flavor," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19090. Adulteration of tomato catsup. U. S. v. 100 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27048. I. S. No. 21638. S. No. 5284.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Utah Canning Co., from Ogden, Utah, on or about March 6, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Pierce's Tomato Catsup * * *. The Utah Canning Co., Ogden, Utah."

It was alleged in the libel that the product consisted in part of a decomposed vegetable substance.

On December 3, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19091. Adulteration and misbranding of loganberry juice. U. S. v. 104 Cases of Loganberry Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27046. I. S. No. 40028. S. No. 5232.)

Samples of loganberry juice from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 104 cases of loganberry juice at Chicago, Ill., alleging that the article had been shipped by the Northwest Canning Co., from Salem, Oreg., on or about July 24, 1931, and had been transported from the State of Oregon

into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Northwest Canning Company, Salem, Oregon, USA Phez Pure Juice of the Loganberry;" (bottles) "To drink add two parts water. Phez pressed from luscious Oregon loganberries. Sugar added. * * * Net contents 32 Fluid Ozs."

It was alleged in the libel that the article was adulterated in that added water had been substituted in part for pure loganberry juice, which the said article purported to be.

Misbranding was alleged for the reason that the statements, (case) "Pure juice of the loganberry" and (bottle) "Luscious Oregon loganberry," were false and misleading, and deceived and misled the purchaser when applied to loganberry juice containing added water; and for the further reason that it was offered for sale and sold under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the contents was not in terms of the largest unit.

On December 8, 1931, Luman R. Wing & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling under the supervision of this department, upon the payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19092. Adulteration of canned tomato catsup. U. S. v. 85 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27045. I. S. No. 21634. S. No. 5276.)

Samples of canned tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On October 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 85 cases of canned tomato catsup, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Pacific Coast Cannery (Inc.), from Ogden, Utah, on or about October 22, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases and cans) "Red Mount Brand Standard Tomato Catsup Made from Trimmings of Sound Ripe Tomatoes Contents 6 Lbs. 10 Oz. packed and guaranteed by National Packing Corporation, Ogden, Utah, U. S. A."

Adulteration was alleged in the libel in that the product consisted in part of a decomposed vegetable substance.

On December 3, 1931, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19093. Adulteration and misbranding of cocoa. U. S. v. 166 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27044. I. S. No. 30370. S. No. 5267.)

Samples of cocoa from the shipment herein described having been found to contain added shell material, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On October 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 166 barrels of cocoa, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped on or about May 7, 1931, by the Keystone Chocolate Co., from Harrisburg, Pa., and had been transported in interstate commerce from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled: "Pure Cocoa."

Adulteration was alleged in the libel for the reason that shell material had been mixed and packed with and substituted in part for the said article.