within the period from on or about April 5 to on or about May 7, 1938, from the State of New York into the State of Texas, of quantities of vanilla extract which was adulterated and misbranded and further alleging the sale by said defendant on or about December 21, 1937, under a guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, of a quantity of vanilla extract which was adulterated and misbranded and was shipped in interstate commerce on or about December 27, 1937, from the State of New York into the State of West Virginia by the purchaser thereof. Portions of the article were labeled: "Perfection Brand Pure Vanilla Extract 8 Oz. Net R. C. Williams & Co., Inc., Distributors, New York, N. Y." One lot was labeled: "Pure Vanilla No. 1 Grade R. C. Williams & Co., Inc., Distributor New York, N. Y."

Adulteration was alleged in that an artificially colored imitation vanilla extract containing added vanillin and little or no true vanilla had been substituted for pure vanilla extract, which it purported to be. Adulteration was alleged further in that the article was inferior to pure vanilla extract and had been mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in that the statements "Pure Vanilla Extract" and "Pure Vanilla," borne on the labels, were false and misleading and were borne on the said labels so as to deceive and mislead the purchaser since the article did not consist of pure vanilla extract but did consist of an artificially colored imitation vanilla extract containing added vanillin and little or no true vanilla. It was alleged to be misbranded further in that it was an imitation of pure vanilla extract and was offered for sale under the distinctive name of an another article, namely, pure vanilla extract.

On July 10, 1939, the defendant entered a plea of guilty and the court imposed a fine of $100.

M. L. WILSON, *Acting Secretary of Agriculture.*

30865. Adulteration of brewers' rice. U. S. v. 175 Bags of Brewers' Rice. Product ordered released under bond for reconditioning. (F. & D. No. 45044. Sample No. 59009–D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part insect-infested.

On March 20, 1939, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 bags of brewers' rice at Evansville, Ind; alleging that the article had been shipped on or about February 16, 1939, by the Kaplan Rice Mill, Inc., from Kaplan, La.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 7, 1939, Meyer Supply Co., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond for reconditioning under the supervision of this Department. The product was reconditioned by segregation and destruction of the unfit portion.

M. L. WILSON, *Acting Secretary of Agriculture.*

30866. Adulteration of dried peaches. U. S. v. Sanfilippo Bros., Inc. Plea of guilty. Fine, $50. (F. & D. No. 42740. Sample No. 36793–D.)

Samples of this product were found to be dirty and moldy, and to contain insect excreta and dead worms.

On July 26, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sanfilippo Bros. Inc., San Jose, Calif., alleging that on or about February 9, 1939, the defendant delivered to the transportation company, for shipment from San Jose, Calif., to the Territory of Hawaii, a quantity of dried peaches which were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Suni-Bel Brand Choice Peaches."

Adulteration was alleged in that the article consisted in whole or in part of a filthy animal or vegetable substance.

On August 4, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

M. L. WILSON, *Acting Secretary of Agriculture.*