

**25472. Misbranding of vanilla extract. U. S. v. 100 Cases of Extract of Vanilla. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36601. Sample no. 45498-B.)**

This case involved vanilla extract that contained less alcohol than declared on the label and that was also short volume.

On November 6, 1935, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of extract of vanilla at Fort McPherson, Ga., alleging that the article had been shipped in interstate commerce on or about October 11, 1935, by the Davis Manufacturing Co., from Knoxville, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Try-Me Brand Pure Extract of Vanilla \* \* \* 50% Alcohol \* \* \* 8 oz. Net Manufactured by Davis Manufacturing Co. Inc. \* \* \* Knoxville, Tenn."

The article was alleged to be misbranded in that the statements on the label, "50% Alcohol" and "8 oz. Net", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained less than 50 percent of alcohol in bottles containing less than 8 ounces. 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 quantity stated was not correct and was not in terms of liquid measure.

On November 14, 1935, the Davis Manufacturing Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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

**25473. Misbranding of canned peas. U. S. v. 68 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 36609. Sample no. 43529-B.)**

This case involved canned soaked dry peas which were not labeled to distinguish them from ordinary canned peas.

On November 12, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cases of canned peas at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 16, 1935, by Gibbs & Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ruth Brand Prepared from Ripe Peas \* \* \* John T. Mitchell & Co. Distributors, Baltimore, Md."

The article was alleged to be misbranded in that the statement on the label, "Prepared from Ripe Peas", was false and misleading and tended to deceive and mislead the purchaser when applied to peas prepared from soaked dry peas.

On December 2, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**25474. Adulteration of dried peaches. U. S. v. 150 Cases of Dried Peaches. Consent decree of condemnation. Product released under bond. (F. & D. no. 36624. Sample no. 46205-B.)**

This case involved a shipment of dried peaches which were in part insect-infested.

On November 19, 1935, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of dried peaches at Wilmington, N. C., consigned by Rosenberg Bros. & Co., from San Francisco, Calif., on or about October 14, 1935, alleging that the article was due to arrive at Wilmington, N. C., on or about November 20, 1935, and that it was adulterated in violation of the Food and Drugs Act.

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

On December 20, 1935, Rosenberg Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be removed by hand picking.

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