21123. Adulteration and misbranding of vanilla flavor. U. S. v. Yerkes Chemical Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 28069. I. S. no. 33762.)

This case was based on an interstate shipment of alleged vanilla flavor, which upon examination was found to consist of a solution of vanillin and coumarin, colored with caramel, which contained little, if any, vanilla. Sample bottles also were found to contain less than the declared volume.

On November 11, 1932, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerkes Chemical Co., Inc., a corporation, Winston-Salem, N. C., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 12, 1931, from the State of North Carolina into the State of Virginia, of a quantity of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Bottle) "Contents 6 Ozs. Compound Vanilla Flavor * * * Manufactured and Guaranteed by Yerkes Chemical Company, Inc. * * * Winston-Salem, N. C."

It was alleged in the information that the article was adulterated in that an artificially colored imitation vanilla product had been substituted in whole or in part for vanilla flavor which the article purported to be. Adulteration was alleged for the further reason that the article was inferior to vanilla flavor, namely, an imitation product composed in part of coumarin, vanillin, and alcohol, and which contained little, if any, vanilla, and was artificially colored with caramel so as to simulate the appearance of vanilla flavor and in a manner whereby its inferiority to vanilla flavor was concealed.

Misbranding was alleged for the reason that the statements, "Vanilla Flavor, * * * Contents 6 Ozs." borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was vanilla flavor, and that each of the bottles contained 6 ounces thereof; whereas it was not vanilla flavor, and the bottles contained less than 6 ounces. Misbranding was alleged for the further reason that the article was a product composed in part of coumarin, vanillin, and alcohol, artificially colored, prepared in imitation of vanilla flavor, and was offered for sale and sold under the distinctive name of another article, namely, vanilla flavor. 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.

On May 1, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

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

21124. Adulteration and misbranding of cottonseed meal. U. S. v. 275 Bags of Cottonseed Meal. Product released under bond to be relabeled. (F. & D. no. 29981. Sample no. 28154–A.)

This case involved a shipment of cottonseed meal which was found to contain less than 43 percent of protein, the amount declared on the label.

On March 29, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 275 bags of cottonseed meal at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce, on or about February 8, 1933, by the Sweetwater Cotton Oil Co., from Sweetwater, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Not less than 43.00 per cent protein."

It was alleged in the libel that the article was adulterated in that a product containing less than 43 percent of protein had been substituted for 43 percent protein cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Not less than 43.00 per cent protein", was false and misleading and deceived and misled the purchaser.

On May 1, 1933, the Sweetwater Cotton Oil Co., Sweetwater, Tex., having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that product be released to the claimant upon the execution of a bond in the sum of $200, conditioned that it be relabeled to show the actual protein content.

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