

It was deceptively packaged in paneled, thick-walled, and long-necked bottles enclosed in unnecessarily large cartons. It also failed to comply with certain other labeling requirements of the law, described in the misbranding paragraph of this notice.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 5 gross cartons of vanilla flavor at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottle) "Middle-West Brand Pure Vanilla Flavor \* \* \* Middle-West Bag & Paper Co. Chicago."

The article was alleged to be adulterated in that a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla had been substituted wholly or in part for pure vanilla flavoring; and in that inferiority had been concealed.

It was alleged to be misbranded in that the statements, "Flavoring Extract \* \* \* Pure Extract \* \* \* Guaranteed to comply with all requirements of the Pure Food Laws" and "Pure Vanilla Flavoring Alcohol 30% Middle-West Bag & Paper Co. Chicago," were false and misleading as applied to a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla and as applied to an article that did not comply with all the requirements of the law and did not contain 30 percent of alcohol but did contain a smaller amount. It was alleged to be misbranded further in that it was offered for sale under the name of another food; in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; in that its containers were so made, formed, or filled as to be misleading; in that it was in package form and its carton failed to bear the name and place of business of the manufacturer, packer, or distributor; in that it was in package form and the carton failed to bear an accurate statement of the quantity of the contents; in that the information required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary consumer under customary conditions of purchase since a portion of the bottle label was obscured by the [open-front] carton; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

**1397. Misbranding of imitation vanilla flavor. U. S. v. 98 Cases of Imitation Vanilla Flavor. Decree of forfeiture. Product ordered released under bond to be rebottled.** (F. D. C. No. 2557. Sample No. 5787-E.)

This product was contained in a bottle made of thick glass having indented panels and bottom and an excessively long neck. The carton was taller than necessary.

On August 15, 1940, the United States attorney for the Southern District of Indiana filed a libel against 98 cases of imitation vanilla flavor at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about April 20, 1939, and June 27, 1940, by the Frank Tea & Spice Distributing Co. from Cincinnati, Ohio; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Merritt Brand Quality \* \* \* Imitation Vanilla Flavor."

On October 30, 1940, the Frank Tea & Spice Distributing Co. having appeared as claimant, judgment was entered forfeiting the product and ordering its release under bond conditioned that it be rebottled under the supervision of the Food and Drug Administration.

**1398. Adulteration and misbranding of vanilla extract. U. S. v. 600, 324, and 396 Bottles of Vanilla Extract. Default decrees of condemnation and destruction.** (F. D. C. No. 3109. Sample Nos. 15748-E, 15749-E, 39221-E, 39222-E.)

The resins found in this product did not possess the characteristics of true vanilla resins.

On September 28 and October 6, 1940, the United States attorney for the Eastern District of Missouri filed libels against 1,320 bottles of vanilla extract at St. Louis, Mo., alleging that the article had been shipped in interstate com-

merce within the period from on or about July 15 to August 3, 1940, by the Midwest Laboratories of Chicago, Ill., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Pure Extract Vanilla."

The article was alleged to be adulterated in that imitation vanilla extract had been substituted wholly or in part for pure extract of vanilla; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading as applied to imitation vanilla extract; and in that it was offered for sale under the name of another food. It was alleged to be misbranded further in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On November 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**1399. Misbranding of vanilla extract. U. S. v. 90 Cases of Vanilla Extract. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 2307. Sample No. 10699-E.)

The bottles containing this product had thick walls and tapered sides. The height, width, and thickness of the cartons were excessive; and the quantity-of-contents statement on the cartons and most of the bottles was made in terms of drams instead of ounces.

On or about July 8, 1940, the United States attorney for the District of Connecticut filed a libel against 90 cases of vanilla extract at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about May 14 and June 13, 1940, by the Mutual Spice Co., Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Carton) "MS Brand Pure Vanilla Extract \* \* \* Contents Four Drams"; (Bottle) "MS Brand Pure Vanilla Extract \* \* \* Cont. 4 Fl. Drams [A few were marked "½ Oz."]."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of contents required by the act to appear on the labeling was not so placed on the cartons and on the labels of those bottles marked "Cont. 4 Fl. Drams" in such terms as to render it likely to be understood by the ordinary individual.

On October 16, 1940, no claimant having appeared, judgment was entered as of September 20, 1940, condemning the product and ordering that it be distributed to charitable institutions after removal of the labels.

### CHEESE MINERAL

**1400. Misbranding of cheese mineral. U. S. v. One 25-Pound Bucket, Two 50-Pounds, and Two 110-Pound Barrels of Alferi's Cheese Mineral. Default decree of condemnation and destruction.** (F. D. C. No. 2296. Sample No. 13274-E.)

The labeling of this product failed to bear the common or usual name of each ingredient or an accurate statement of the quantity of the contents as required by law.

On June 28, 1940, the United States attorney for the District of Oregon filed a libel against the above-named product at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Alferi Laboratories, Inc., from Neenah, Wis.; and charging that it was misbranded in that it was in package form and did not bear an accurate statement of the quantity of the contents, and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.