insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Wilco Ices 2 for 1¢."

On April 17 and May 20 and 26, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The portion of the product seized in the District of Columbia was ordered destroyed immediately; and that seized in the Eastern District of North Carolina was ordered destroyed after 30 days unless taken down under bond by the owner, and was destroyed in accordance with said order.

2092. Adulteration and misbranding of candy. U. S. v. 194 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 4040. Sample Nos. 31591-E, 31595-E.)

Examination showed that this product was contaminated with rodent hairs and insect fragments. Moreover, the label did not bear the common or usual name of each the ingredients.

On or about March 24, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 194 cases, each containing 12 bars, of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 25 and 28, 1941, from Zion, Ill., by the Zion Baking & Candy Industries; and charging that it was adulterated and misbranded. The article was labeled in part: "Jersey Fudge Dark [or "Light"]."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient since it contained peanuts, which were not declared.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2093. Misbranding of candy. U. S. v. 34 Boxes, 32 Boxes, and 32 Boxes of Candy. Default decrees of condemnation. Product ordered delivered to a charitable institution. (F. D. C. Nos. 4056, 4057. Sample Nos. 56349-E to 56351-E, incl., 56369-E to 56372-E, incl.)

The quantity of contents statement on the label of this product was incorrect, since the net weight marked on the package was really the weight of the candy plus the weight of the wrappers. Furthermore, the labeling gave the erroneous impression that the article was of foreign origin.

On March 26, 1941, the United States attorney for the Southern District of New York filed libels against 66 5-pound boxes and 32 pound boxes of candy at New York, N. Y., alleging that the article had been shipped on or about December 12, 1940, and February 7 and 26 and March 10, 1941, from Boston, Mass., by the Italian Fruit Caramel Co.; and charging that it was misbranded. It was labeled in part: "Carmella 'Torina' Italian Fruit Drop [or "Italian Style Hard Candy"] Gold Medal Award Bologna, Italy."

The article was alleged to be misbranded in that the labeling on the wrappers of the individual pieces of candy was false and misleading because it bore the design of gold medals and the words "Bologna, Italy," prominently placed, all of which gave the impression that it was of foreign origin; in that the net weight stated on the boxes was false and misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 8, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

FLAVORS

2094. Adulteration and misbranding of vanilla flavor. U. S. v. 16 Dozen Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. D. C. No. 4260. Sample No. 16994-E.)

Analysis indicated that this product contained resinous substances not found in genuine vanilla.

On April 9, 1941, the United States attorney for the Western District of Missouri filed a libel against 16 dozen bottles of vanilla flavor at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by the LaSalle Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Florence Nightingale Brand Pure Vanilla Flavor."

The article was alleged to be adulterated in that imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor had been substituted wholly or in part for pure vanilla flavor; 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 Vanilla Flavor" was false and misleading as applied to an imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor; in that it was offered for sale under the name of another food; and 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 May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2095. Adulteration and misbranding of vanilla extract. U. S. v. 40 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4316. Sample No. 21320–E.)

This product contained resinous substances not found in genuine vanilla.

On April 12, 1941, the United States attorney for the Northern District of California filed a libel against 40 cases of vanilla extract at Sacramento, Calif., which had been shipped by S. E. Rykoff & Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp., New York, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) 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.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) 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 May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

2096. Misbranding of bust developer. U. S. v. Myrtle E. Edwards (Elga Laboratories). Plea of guilty. Defendant placed on probation for 4 years. (F. D. C. No. 2115. Sample No. 5904–E.)

This product was falsely represented to be a "normalizing food" that would develop the bust. Its label failed to bear the common or usual name of each ingredient, and it contained undeclared color.

On September 11, 1940, the United States attorney for the Northern District of California filed an information against Myrtle E. Edwards, trading as Elga Laboratories, at San Francisco, Calif., alleging shipment on or about January 29, 1940, from the State of California into the State of Ohio of a quantity of Elga Bust Developer that was misbranded.

The article was alleged to be misbranded in that the statements, "Elga Bust Developer. A Specialized normalizing Food designed to suppliment nature, feeding systemically the sensitive, delicate, starved cells of immature, sagging or depleted breasts," borne on the bottle label were false and misleading in that they represented that the article would develop the bust; that it was a specialized normalizing food designed to supplement nature; and that it would feed systemically the sensitive, delicate, starved cells of immature, sagging, or depleted breasts; whereas it would not be effective for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each of