

was adulterated. It was labeled in part: "100 Count \* \* \* Mell-O-Pop," "180 Ct. [or "120 Count"] Delicious Wrapped Confections," "120 Pieces [or "80 Count"] 1¢ each \* \* \* Pinwheels"; "Zebras 160 Count"; or "160 [or "200"] Count Pals."

The article was alleged to be adulterated in that it consisted in whole 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.

Between August 12 and October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2297. Adulteration of candy. U. S. v. 152 Boxes and 47 Boxes of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 5412. Sample Nos. 48078-E, 48079-E.)

This product contained rodent hair fragments, insect fragments, and miscellaneous dirt.

On August 21, 1941, the United States attorney for the Northern District of Georgia filed a libel against 199 boxes of candy at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about April 1, 1941, by the Specialty Candy Co. from Baltimore, Md.; and charging that it was adulterated. The article was labeled in part: (Boxes) "80 Count Hilltopper Delicious Pops \* \* \* Assorted Cocomanut [or "Cherry"]."

The article was alleged to be adulterated in that it consisted in whole 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.

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2298. Adulteration of candy. U. S. v. 6 Cartons of Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4860. Sample No. 60780-E.)

This product contained rodent hairs and insect fragments.

On June 3, 1941, the United States attorney for the Eastern District of Washington filed a libel against 6 cartons of candy at Wenatchee, Wash., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by SweetTarts, from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "SweetTarts Krunch."

On August 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**2299. Adulteration and misbranding of lemon extract and vanilla extract. U. S. v. 1 Dozen Bottles of Lemon Extract and 14 Dozen Bottles of Vanilla Extract. Default decree of condemnation and destruction.** (F. D. C. No. 3939. Sample Nos. 16902-E, 16916-E.)

The lemon extract was an imitation product consisting in part of alcohol, water, and citral. The vanilla extract contained added foreign resins. The bottles of both products were deceptive since the glass was too thick and they were too tall for their capacity.

On or about March 12, 1941, the United States attorney for the Western District of Missouri filed a libel against 1 dozen bottles of lemon extract and 14 dozen bottles of vanilla extract at Kansas City, Mo., alleging that the articles had been shipped in interstate commerce on or about September 28, 1940, by LaSalle Manufacturing Co. from Chicago, Ill.; and charging that they were adulterated and misbranded. The articles were labeled in part: (Bottles) "Florence Nightingale Brand Pure Lemon Extract [or "Vanilla Flavor"]."

The lemon extract was alleged to be adulterated in that an imitation lemon extract consisting in part of alcohol, water, and citral had been substituted wholly or in part for "Pure Lemon Extract"; in that it had been mixed in a manner whereby inferiority had been concealed; and in that a substance, citral, had been added thereto or mixed or packed therewith so as to reduce its quality or make it appear better or of greater value than it was.

The vanilla extract was alleged to be adulterated in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Vanilla Extract"; 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 lemon extract was alleged to be misbranded in that the statement "Pure Lemon Extract 85% Alcohol" was false and misleading as applied to an imitation lemon extract consisting in part of alcohol, water, and citral, and containing only about 76 percent of alcohol; and the vanilla extract in that the statement "Pure Vanilla Extract 12½% Alcohol" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract and containing only about 3 percent of alcohol. Both products were alleged to be misbranded (1) in that they were offered for sale under the names of other foods; (2) in that they were imitations of other foods and their labels did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; and (3) in that their containers were so made, formed, or filled, as to be misleading.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2300. Adulteration of poppy seed. U. S. v. 6 Unlabeled Bags Containing Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 5035. Sample No. 7680-E.)**

This product was white poppy seed which had been artificially colored blue with a certified coal-tar dye so as to simulate blue poppy. It had been colored by the consignee after its receipt in interstate commerce.

On June 30, 1941, the United States attorney for the Southern District of California filed a libel against 6 unlabeled bags containing a total of approximately 675 pounds of poppy seed at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by T. M. Duche & Sons from New York, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto so as to make it appear better or of greater value than it was.

On July 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.