Vanilla Flavor Syrup Prepared with pure cane sugar, compound Vanilla extract and caramel color," and (all lots) "Fruits and Syrups Made from Choice fruits and pure cane sugar [design of fruits]." (2) (Cherry, grape, and vanilla flavor sirups) In that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated. (3) (Grape flavor sirup only) In that it was fabricated from two or more ingredients and failed to bear the common or usual name of each ingredient.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2829. Adulteration of Oh-My Dri-Myx. U. S. v. 5 Bags of Oh-My Dri-Myx. Default decree of condemnation and destruction. (F. D. C. No. 5295. Sample No. 42817–E.)

Examination showed that this product contained rodent hairs and excreta, and insect fragments.

On August 5, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 5 60-pound bags of Oh-My Dri-Myx at North East, Pa., alleging that the article had been shipped on or about March 7, 1940, by Oh-My Chocolate Co. from Toledo, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Oh-My Dri-Myx For Making Chocolate Products."

On August 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2830. Adulteration of Bo-Go-Ha-Ma Mineral Springs Water. U. S. v. 32 Jugs of Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 6191. Sample No. 49865–E.)

Examination of this product showed that it contained coliform organisms, which indicated that it was polluted.

On November 7, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 32 gallon jugs of mineral water at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by Stafford Mineral Springs Co. from Vosburg, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 587.

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

CEREAL PRODUCTS

FLOUR

2831. Action to enjoin and restrain distribution in interstate commerce of adulterated rye flour. U. S. v. Abraham Katz, trading as A. Katz. Consent decree granting perpetual injunction. (Inj. No. 16.)

On September 3, 1941, the United States attorney for the District of New Jersey filed a complaint against Abraham Katz, trading as A. Katz at Hightstown, N. J., alleging that from on or about December 5, 1940, to the date of filing the complaint the defendant had been preparing, milling, and packing rye flour under insanitary conditions whereby it became contaminated and filthy; that said flour, prepared and packed by the defendant, was adulterated in that it consisted in whole or in part of a filthy substance and was being offered for interstate shipment at various intervals and was being shipped in interstate commerce from Hightstown, N. J., to various points outside the State. The complaint alleged further that the defendant was continuously manufacturing, milling, and packing adulterated flour and would continue to ship such flour in interstate commerce in violation of the law unless enjoined from so doing, and prayed that a preliminary injunction be granted restraining the defendant from shipping rye flour in interstate commerce and that, after due proceedings, the preliminary injunction be made permanent.

On October 10, 1941, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and all those acting upon his behalf from shipping in interstate commerce in violation of the law adulterated rye flour which he had manufactured or would manufacture in the future.