

of Columbia filed libels against 116 boxes of candy at Chambersburg, Pa., 40 boxes at Staunton, Va., and 411 cartons and 88 boxes at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about July 29 to on or about September 18, 1941, by the Voneiff-Drayer Co. from Baltimore, Md.; and charging that it was adulterated. Portions of the article were variously labeled: "Miss America \* \* \* Rainbows [or "Big Drops," "Caramels," "Big Ceas," "Chocolate Pegs," "Madame Queen Fingers," or "Chocolate Mints" or "Chocolate Covered Whipped Creams" or "Chocolate Logs"]." The remainder was labeled in part: "Chocolate Peppermints 5¢ \* \* \* Packed Expressly For The Peoples Drug Stores, Inc. Washington, D. C."

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 October 29 and December 31, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3411. Adulteration and misbranding of candy. U. S. v. 199 Boxes and 235 Boxes of Candy (and 2 other seizures of candy). Decrees of condemnation and destruction.** (F. D. C. Nos. 6865, 6871. Sample Nos. 75838-E, 75839-E, 90157-E, 90627-E.)

Examination showed that this product contained hairs resembling those of rodents. Furthermore, all lots but one were deceptively packaged, and one of these also was short of the declared weight.

On February 14 and 17 and March 6, 1942, the United States attorneys for the District of Maine and the District of Vermont filed libels against 434 1-pound boxes of candy at Portland, Maine, and 14 1-pound boxes and 18½ cases each containing 24 1-pound boxes of candy at White River Junction, town of Hartford, Vt., alleging that the article had been shipped in interstate commerce on or about January 19, 26, and 27, and February 10, 1942, by William's Candy Co. from Somerville, Mass.; and charging that it was adulterated and that all lots but one were misbranded. It was labeled in part: "Farm-Hill Candies Chocolates & Bon-Bons [or "Assorted Chocolates"]."

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.

All lots but one (9½ cases at White River Junction) were alleged to be misbranded in that the container was so filled as to be misleading, since the candy did not occupy a reasonable amount of the available space. The lot at Portland, Maine, was alleged to be misbranded further in that the statement "Net Weight One Pound" was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On March 13 and May 15, 1942, no claimant having appeared, judgments were entered ordering that the product be destroyed.

**3412. Misbranding of candy. U. S. v. 354 Boxes of Candy. Default decree of condemnation and forfeiture. Product ordered distributed to charitable institutions.** (F. D. C. No. 7026. Sample No. 90448-E.)

Examination showed that the boxes containing this candy were not filled to their capacity.

On March 13, 1942, the United States attorney for the District of Rhode Island filed a libel against 354 boxes of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about February 21, 1942, by the Royal Confectionery Co. from Boston, Mass.; and charging that it was misbranded in that its container was so filled as to be misleading since the bottom layer contained only about half as much candy as the top layer. The article was labeled in part: "Mary Talbot Assorted Chocolates \* \* \* Hand Fashioned One Pound Net."

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

MISCELLANEOUS

**3413. Adulteration of sugar. U. S. v. 25 Sacks of Sugar. Default decree of destruction.** (F. D. C. No. 4730. Sample No. 4341-8-E.)

This product had been stored under insanitary conditions after shipment and when examined it was found that the sacks had been torn and gnawed by rats and contained an accumulation of rat pellets and bird droppings.

On May 15, 1941, the United States attorney for the Western District of Missouri filed a libel against 25 100-pound sacks of sugar at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 31, 1941, from Lyman, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was alleged further that the article had been shipped by the Great Western Sugar Co., but that adulteration resulted from conditions existing at destination, in the warehouse of the consignee.

On June 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3414. Adulteration of fudge icing base. U. S. v. 10 Drums of Fudge Icing Base. Default decree of condemnation and destruction. (F. D. C. No. 6941. Sample No. 54545-E.)**

Examination showed that this product contained rodent hairs.

On February 25, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 50-pound drums of fudge icing base at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 21, 1942, by H. M. Wagner & Co., Inc., from Baltimore, Md.; and charging that it was 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. The article was labeled in part: "Fluffy Fudge Chocolate Flavored Icing Base."

On April 1, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FLAVORS AND SPICES

**3415. Adulteration and misbranding of vanilla extract. U. S. v. 114 Dozen Bottles of Vanilla Extract (and 2 other seizure actions against vanilla extract). Default decrees of condemnation and destruction. (F. D. C. Nos. 6196, 6200, 6226. Sample Nos. 35802-E, 58358-E, 66312-E.)**

This article was an imitation of vanilla extract containing artificial flavoring, artificial coloring, and some extractive matter from vanilla beans. Portions contained 25 percent of alcohol instead of 40 percent as declared on the label; some of the bottles were too tall for their capacity and the individual carton in which they were packed was too tall for the height of the bottles; and the 2-fluid-ounce size was short of the declared volume.

On November 12, 13, and 14, 1941, the United States attorneys for the Western District of Louisiana, the Western District of Wisconsin, and the Eastern District of Wisconsin filed libels against 114 dozen bottles of vanilla flavor at Ferriday, La., 86 dozen bottles at Baraboo, Wis., and 12 cases, each containing 24 bottles, at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, within the period from on or about June 21 to on or about October 2, 1941, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: " $\frac{3}{4}$  [or "2" or "4"] Fluid Oz. Burma Pure Vanilla Extract Alcohol 40%; "8 Fluid Ounces Burma Brand Flavoring \* \* \* Pure Vanilla Extract Alcohol 40%"; or "Corona Brand 4 Fluid Ounce \* \* \* Pure Vanilla Extract."

It was alleged to be adulterated (1) in that an imitation vanilla extract containing added artificial color, added artificial flavoring, and some extractive matter from vanilla beans had been substituted wholly or in part for pure vanilla extract, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color and artificial flavoring; and (3) in that artificial flavoring and artificial coloring 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 (1) in that the statement "Pure Vanilla Extract" was false and misleading as applied to an imitation vanilla extract containing added artificial color and added artificial flavoring and some extractive matter from vanilla beans; (2) in that it was offered for sale under the name of another food; (3) 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; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and (5) in that it contained