misbranded in that the name "Sage" was false and misleading when applied to an article containing plant material which was not sage.

On July 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5014. Adulteration and misbranding of spices. U. S. v. 3 Barrels of White Pepper (and 3 additional seizure actions against white pepper, nutmeg, paprika, and cinnamon). Default decrees of condemnation. Products ordered delivered to welfare organizations. (F. D. C. Nos. 9590, 9592, 9594, 9712. Sample Nos. 17789-F, 17790-F, 44802-F to 44807-F, incl., 44812-F, 44813-F.)

On March 20 and 30, 1943, the United States attorney for the District of New Jersey filed libels against 5 barrels, 19 boxes, and 81 cans of white pepper, 58 cans and 57 tins of cinnamon, 36 cans of nutmeg, and 36 cans of paprika, at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 26, 1942, to December 2, 1943, by the Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Pure Ground White Pepper," "Pure White Pepper," "Pure Ground Montauk White Pepper," "Cinnamon 1 Lb. Net," "Nutmeg 1 Lb. Net," "Ground Spices White Pepper 1 Lb. Net," or "Fancy Paprika."

The articles were alleged to be adulterated in that valuable constituents, nutmeg, white pepper, cinnamon, and paprika, had been in whole or in part omitted from the articles and in that substances, i.e., nutmeg, white pepper, cinnamon, and paprika, all containing added starch, and the paprika also containing artificial coloring, had been substituted wholly or in part for the articles. The paprika was alleged to be adulterated further in that its inferiority had been concealed by the use of artificial coloring, and in that cornstarch and artificial coloring had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it was.

The articles were alleged to be misbranded in that the names, "Nutmeg," "White Pepper," "Pure White Pepper," "Pure Ground White Pepper," "Pure Ground Montauk White Pepper," "Cinnamon," and "Fancy Paprika," appearing on the labels, were false and misleading as applied to articles containing added starch and, in the case of the paprika, artificial coloring, and in that they were offered for sale under the names of other foods. All of the articles except the barrels of white pepper were alleged to be misbranded further in that they were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor. The nutmeg, cinnamon, and portions of the white pepper were alleged to be misbranded also in that the statement "1 Lb. Net," appearing on the labels, was false and misleading since they were short weight, and in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents. The paprika was alleged to be misbranded further in that it was an imitation of another food, paprika, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated, and in that it contained artificial coloring and failed to bear a label stating that fact.

On June 21, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to welfare organizations.

5015. Misbranding of whole nutmeg. U. S. v. 4 Cartons of Nutmeg. Default decree of condemnation and destruction. (F. D. C. No. 9548. Sample No. 21644-F.)

Examination showed the boxes to contain 12 or 13 nutmegs. On the basis of the additional nutmegs which could be packed into the boxes, they were less than 60 percent filled.

On March 13, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 4 cartons, each containing 12 boxes, of nutmegs at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by Durkee Famous Foods from Elmhurst, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading, since the container was too large for the amount of nutmeg it contained, and in that it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the declaration in terms of numerical count due to variation in the sizes of the nutmegs did not give accurate information as to the quantity of food in the package.

On April 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.