

6004. Adulteration and misbranding of beverage sirup vanilla. U. S. v. 11 Cartons and 2 Jugs of Beverage Syrup Vanilla. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12838. Sample No. 76943-F.)

LIBEL FILED: July 7, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about June 27, 1944, by the New Jersey Tobacco Co., Asbury Park, N. J.

PRODUCT: 11 cartons, each containing 4 1-gallon jugs, and 2 jugs of beverage sirup vanilla at New York, N. Y.

This product was a mixture of sugar, water, artificial vanillin, and coumarin, colored with caramel and containing little or no vanilla extract.

LABEL, IN PART: (Jugs) "Master Brands Triple Dilution Beverage Syrup Vanilla * * * Master Brands of America Manufacturers New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vanilla extract, had been in whole or in part omitted from the product; Section 402 (b) (2), an artificially flavored and colored beverage sirup had been substituted in whole or in part for a triple-strength vanilla sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the product or mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements, "Triple Dilution Beverage Syrup Vanilla Prepared with cane sugar syrup, imitation vanilla flavor and pure vanilla extract * * * To one part this vanilla syrup add three part simple syrup," borne on the label, were misleading as applied to an article which contained little or no vanilla extract; Section 403 (b) it was offered for sale under the name of another food, "Triple dilution beverage syrup vanilla"; and, Section 403 (c), it was an imitation of another food 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.

DISPOSITION: August 16, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

6005. Misbranding of Effect-O. U. S. v. 14 Jugs of Effect-O. Default decree of condemnation and destruction. (F. D. C. No. 12508. Sample No. 52252-F.)

LIBEL FILED: June 7, 1944, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 27, 1944, by the Chandler Laboratories, from Philadelphia, Pa.

PRODUCT: 14 1-gallon jugs of Effect-O at West Barrington, R. I.

LABEL, IN PART: (Jugs) "Effect-O * * * The Perfect Stabilizer For All Beverages Eliminates the use of Preservatives."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the labeling, "The Perfect Stabilizer For All Beverages Eliminates the use of Preservatives Use ½ Oz. to each Gallon of Bottling Syrup," were misleading since the labeling failed to reveal the material fact that the article contained, per 100 cc., 13.5 or more grams of monochloroacetic acid, a poisonous and deleterious substance which caused the article itself to be a poisonous and deleterious substance, and rendered it unwholesome and unsuitable for use as a component of beverages used by man.

DISPOSITION: September 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL AND CEREAL PRODUCTS

ALIMENTARY PASTES

6006. Adulteration of alimentary pastes. U. S. v. 75 Cases of Macaroni, 10 Cases of Spaghetti, and 10 Cases of Vermicelli (and 1 other seizure action against alimentary pastes). Default decrees of condemnation. Products ordered released to the State Fish and Wildlife Service for uses other than human consumption. (F. D. C. Nos. 11804, 11805. Sample Nos. 58132-F to 58134-F, incl., 68815-F to 68817-F, incl.)

LIBELS FILED: February 15, 1944, District of New Mexico.

ALLEGED SHIPMENT: On or about January 10 and 13, 1944, by the American Beauty Macaroni Co., Denver, Colo.

PRODUCT: A total of 95 cases of macaroni, spaghetti, and vermicelli, at Santa Fe, N. Mex., and a total of 320 cases and 45 boxes of macaroni, vermicelli, and "Shel-Roni," at Albuquerque, N. Mex.

LABEL, IN PART: "American Beauty * * * Macaroni [or "Spaghetti," "Vermicelli," "Large Elbo," or "Shel-Roni"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances, (75 cases) insect fragments and a fragment similar to rodent hairs, (20 cases) insect fragments and rodent hairs, and (320 cases and 45 boxes) rodent hairs; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: June 23, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to the State Fish and Wildlife Service, for uses other than human consumption.

6007. Adulteration of macaroni. U. S. v. 63 Boxes of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 12245. Sample No. 52299-F.)

LIBEL FILED: April 24, 1944, District of Maine.

ALLEGED SHIPMENT: On or about March 22, 1944, by the Italia Macaroni Co., from Worcester, Mass.

PRODUCT: 63 boxes, each containing 20 pounds, of macaroni at Rumford, Maine.

LABEL, IN PART: "Italiá Extra Fine Made From Pure No. 1 Semolina Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6008. Adulteration and misbranding of egg noodles. U. S. v. 126 Cases and 98 Cases of Noodles. Default decree of condemnation. Product ordered delivered to a Federal institution for use as hog feed. (F. D. C. No. 12397. Sample No. 76352-F.)

LIBEL FILED: On or about May 18, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about April 14, 1944, by Meyer's Egg Noodle Co., Glendale, Long Island, N. Y.

PRODUCT: 126 cases, each containing 12 1-pound bags, and 98 cases, each containing 24 8-ounce bags, of noodles at West Haven, Conn.

LABEL, IN PART: (Bags) "Dutch Maid * * * Pure Egg Noodles Made From Durum Flour and Egg Yolk Distributed By Pfrang Inc. * * * West Haven, Conn."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that a valuable constituent, egg, had been in part omitted from the article; and, Section 402 (b) (2), in that a substance, noodles deficient in egg solids, had been substituted in whole or in part for egg noodles, which the article was represented to be.

Misbranding, Section 403 (a), in that the statement which appeared on the label, "Pure Egg Noodles," was false and misleading as applied to an article deficient in egg solids.

DISPOSITION: August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution to be used for hog feed.

6009. Misbranding of egg noodles with fresh mushrooms. U. S. v. 25 Cases of Egg Noodles with Fresh Mushrooms. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 12145. Sample No. 66376-F.)

LIBEL FILED: April 6, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about March 16, 1944, by the Universal Food Co., from Central Islip, N. Y.

PRODUCT: 25 cases, each containing 24 1-pound jars, of the above-named product, at Newark, N. J.

LABEL, IN PART: "The Original Valerio Egg Noodles with Fresh Mushrooms * * * Manufactured by A. Valerio Sole Distributors Universal Food Co. New York, N. Y."