

402 (b) (3), inferiority had been concealed through the addition of foreign resins; and, Section 402 (b) (4), foreign resins 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 statement "Pure Vanilla Extract" was false and misleading as applied to imitation vanilla extract containing resinous substances not found in genuine vanilla extract; Section 403 (b), the product was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (d), its container was so made, formed, and filled as to be misleading since the bottle had tapered sides, was made of thick glass, and was too tall for its capacity.

DISPOSITION: December 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

MISCELLANEOUS FOOD PRODUCTS

7895. Misbranding of Egg-O-Save. U. S. v. George Foster, Inc., and George Foster. Pleas of guilty. Fines, \$100 against corporate defendant and \$500 against individual defendant. (F. D. C. No. 10589. Sample No. 32082-F.)

INFORMATION FILED: December 27, 1943, District of Minnesota, against George Foster, Inc., St. Paul, Minn., and George Foster, president of the corporation.

ALLEGED SHIPMENT: On or about April 20, 1943, from the State of Minnesota into the State of Indiana.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the label statements, together with the design of a dish of eggs, which represented and suggested that the contents of each package of the article when used instead of eggs in baking and cooking would give the same results as would the use of 1 dozen eggs; that 1 level teaspoonful of the article would give the same results as would 1 egg when used in baking and cooking; that the article would give the same results as the use of eggs in the making of cake, cookies, fried cake, muffins, pies, noodles, salad dressing, ice cream, and various similar products suggested by the abbreviation "Etc.," when used as directed, i. e., "Instead of each egg called for in the recipe use: One level teaspoonful (not heaping or rounded) of Egg-O-Save"; and that the article was guaranteed to comply with the pure food laws and did comply with all pure food laws including the Federal Food, Drug, and Cosmetic Act, were false and misleading since the article would not accomplish the results claimed, was not guaranteed to comply with the pure food laws, and did not comply with the Federal Food, Drug, and Cosmetic Act.

Further misbranding, Section 403 (f), the statement of the quantity of the contents was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statements "Net Weight 1½ Oz.," and "Net Weight 1½ Ounces," were, in the former instance, in very small, inconspicuous type, and, in the latter instance, on the reverse side of the package.

It was also alleged in the information that another article, Magic Fire Liment, was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1299.

DISPOSITION: February 19, 1944. Pleas of guilty having been entered by and on behalf of the defendants, the court imposed a fine of \$100 against the corporation and a fine of \$500 against the individual.

7896. Adulteration and misbranding of food color. U. S. v. 1 Bottle of Food Color. Default decree of condemnation and destruction. (F. D. C. No. 15067. Sample No. 63821-F.)

LIBEL FILED: January 22, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 8, 1944, by David Kleckner and Son, Inc., from Ozone Park, N. Y.

PRODUCT: 1 bottle containing 5 pounds of food color at Tampa, Fla. Examination showed that the article consisted essentially of chlorophyll, Butter Yellow (Colour Index No. 19), an uncertifiable dye, D & C Green No. 6, a coal-tar color which cannot be certified for use in foods, oil, and flavoring materials.

LABEL, IN PART: "Kleckner Kolor Green Leaf Shade."

VIOLATIONS CHARGED: Adulteration, Section 402 (c), the article bore and contained coal-tar colors, D & C Green No. 6 and Butter Yellow (Colour Index No. 19), which had not been listed for use in food in accordance with the regulations, and were others than ones from batches that had been certified.

Misbranding, Section 403 (i), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7897. Adulteration and misbranding of food color. U. S. v. 11 Cans of Food Color. Default decree of condemnation and destruction. (F. D. C. No. 15146. Sample No. 78372-F.)

LABEL FILED: February 6, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Alpha Aromatic Laboratories, from Brooklyn, N. Y.

PRODUCT: 11 1-pound cans of food color at Philadelphia, Pa. Analysis showed that the article contained not more than 41.4 percent of FD&C Yellow No. 5. The article was represented on its label to be "Lot A6567," whereas the certificate bearing the number A6567 was issued on a mixture of a different composition.

LABEL, IN PART: "Bright Yellow Shade Contains 51% Color Lot A6567."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), a substance had been mixed with the article so as to reduce its quality and strength.

Misbranding, Section 403 (a), the statements "Contains 51% Color" and "Lot A6567," were false and misleading; and, Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7898. Adulteration of Kernel Paste. U. S. v. Lyons-Magnus, Inc. Plea of nolo contendere. Fine, \$25. (F. D. C. No. 12544. Sample No. 55820-F.)

INFORMATION FILED: July 26, 1944, Northern District of California, against Lyons-Magnus, Inc., San Francisco, Calif.

ALLEGED SHIPMENT: On or about December 6, 1943, from the State of California into the State of Washington.

LABEL, IN PART: "Lyons Magnus California Kernel Paste."

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 larvae, insect parts, and rodent hairs; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 4, 1945. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$25 was imposed.

7899. Adulteration of dehydrated noodle soup mix. U. S. v. 15 Cartons of Dehydrated Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 15062. Sample No. 93659-F.)

LABEL FILED: January 18, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 15, 1944, by the Waples-Platter Co., Greenville, Tex.

PRODUCT: 15 cartons, each containing 48 2½-ounce packages, of dehydrated soup mix at New York, N. Y. Examination showed that the article contained weevils, larvae, and insect fragments.

LABEL, IN PART: (Package) "Lipton's Noodle Soup * * * Made by Continental Foods Inc., Hoboken, N. J. A Member of the Lipton Tea Family."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: February 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.