VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: November 8, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8488. Adulteration and misbranding of Grassolio. U. S. v. 2 Cans and 1 Bottle of Grassolio. Default decree of condemnation and destruction. (F. D. C. No. 15294. Sample No. 11610–H.)

LIBEL FILED: February 20, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 26, 1944, by the Briganti Extract Co., Inc., from Brooklyn, N. Y.

PRODUCT: 2 1-gallon cans and 1 2-quart bottle of Grassolio at Boston, Mass. Examination of a sample showed that the product was composed of a neutral oil, F D & C Yellow No. 3, chlorophyll, and a coal-tar color made by combining aniline, or a similar base, with a phenol. No coal-tar color having the composition of the last-named color has been listed as suitable for certification.

LABEL, IN PART: "Grassolio * * * Active Ingredients. Essential Oils & Esters. Artificial Color."

VIOLATIONS CHARGED: Adulteration, Section 402 (c), the product contained a coal-tar color other than one from a batch that has been certified in accordance with the regulations.

Misbranding, Section 403 (a), the label statement, "Essential Oils," was false and misleading since the product did not contain essential oils; and, Section 403 (i), the product was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient.

DISPOSITION: May 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8489. Misbranding of Delson Brand Yucca Cactus. U. S. v. 4 Drums of Yucca Cactus. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15177. Sample No. 74080–F.)

LIBEL FILED: On or about February 8, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 9, 1945, by the California Citrus Juice Exchange, from Santa Ana, Calif. This was a return shipment, the product having been shipped to Santa Ana, Calif., from Chicago, Ill., by the Citrus Products Co. on or about October 9, 1944.

PRODUCT: 4 drums of Yucca Cactus at Chicago, Ill. Analysis showed that the product was a mixture of powdered plant extractive, probably a saponin, about 35 percent dehydrated sodium sulfate, and magnesium sulfate and borax. It was to be used as an ingredient of food.

LABEL, IN PART: (3 drums) "Delson Brand Yucca Cactus"; (1 drum) "Saponin (Ex Yucca)."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the names "Saponin (Ex Yucca)" and "Yucca Cactus" were false and misleading as applied to a mixture of a powdered plant extractive, probably a saponin, about 35 percent dehydrated sodium sulfate, and magnesium sulfate and borax.

Further misbranding, Section 403 (a), the labeling was misleading since it failed to reveal the material fact that the product contained a poisonous substance, borax, and the laxative drugs, epsom salts and glauber salts.

DISPOSITION: June 5, 1945. J. H. DeLamar and Son, Chicago, Ill., having admitted the facts of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration.

8490. Misbranding of gift packages of food. U. S. v. 69 Gift Packages. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 14807. Sample No. 84262–F.)

LIBEL FILED: December 19, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about November 17, 1944, by Gertrude's Studios, Chicago, Ill.

PRODUCT: 69 1-pound gift packages of food at San Francisco, Calif. These packages contained a tray containing cake and candy. The candy was packed in inadequately filled, fluted cups. About one-half of the space in the tray was occupied by the cake and candy. Beneath the tray was an empty space

which comprised approximately 40 percent of the total capacity of the package. The packages held about 30 percent of the amount of food that a completely filled box of the same dimensions would hold.

LABEL, IN PART: "Servicemen's Candy Package."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the upper tray was not filled to capacity, and there was unfilled space beneath the tray.

DISPOSITION: April 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8491. Misbranding of gift packages of food. U. S. v. 234 Cartons of Gift Packages. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14494. Sample No. 73295-F.)

LIBEL FILED: November 20, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 29, 1944, by Golden Brand Nut Products, Inc., from New York, N. Y.

PRODUCT: 234 3-pound gift packages of food at Oakland, Calif.

The packages contained 14 fluted paper cups of cookies, candies, pear paste, a jar of honey, and a jar of cherries arranged around the rim of the package. A rectangular tray, 1 inch deep, covered with yellow cellophane and containing candied fruits and fruit paste, occupied the center of the package. The tray was not filled to capacity, which fact was not readily apparent to the purchaser because of the yellow cellophane cover. Space beneath the tray, ½ inch deep, was unfilled except for two pieces of pear paste supporting the tray.

LABEL, IN PART: "Victory Snack Pack."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the cellophane-covered tray was not filled to capacity, and there was unfilled space beneath the tray.

DISPOSITION: January 26, 1945. Montgomery Ward and Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8492. Misbranding of vanilla- and chocolate-flavored puddings. U. S. v. 10 Cartons of Vanilla Flavor Pudding and 7 Cartons of Chocolate Flavor Pudding. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15081. Sample Nos. 5801-H, 5802-H.)

LIBEL FILED: January 25, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 13, 1944, by the Van Besta Co., from Brooklyn, N. Y.

PRODUCT: 10 cartons, each containing 6 dozen packages, of vanilla-flavored pudding; and 7 cartons, each containing 6 dozen packages, of chocolate-flavored pudding at Hoboken, N. J. Examination showed that the products were in the form of powder packaged in paper bags, each bag being enclosed in individual cardboard cartons.

LABEL, IN PART: "Van Besta Vanilla [or "Chocolate"] Flavor Pudding."

VIOLATION CHARGED: Misbranding, Section 403 (d), the containers of the products were so filled as to be misleading since the vanilla pudding occupied only about 38 percent of the volume of its individual carton, and since the chocolate pudding occupied only about 59 percent of the volume of its individual carton.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES*

8493. Adulteration and misbranding of wheat germ. U. S. v. Omar, Inc. Plea of nolo contendere. Fine, $500. (F. D. C. No. 14304. Sample No. 69657-F.)

INFORMATION FILED: March 28, 1945, District of Colorado, against Omar, Inc., Denver, Colo.

ALLEGED SHIPMENT: On or about April 25, 1944, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Omar Toasted Wheat Germ."

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*See also No. 8305.