

ALLEGED SHIPMENT: February 24, June 26, and July 23, 1945, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: Imitation pepper. 477 5-pound packages and 234 1-pound packages at Baltimore, Md.; and 41 cartons, each containing 24 1-pound bags, and 234 1-pound packages at Atlanta, Ga.

LABEL, IN PART: "Chef's Delite Imitation Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Weevils, larvae, beetles, insect fragments, and rodent hairs.

DISPOSITION: October 31 and November 1, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10337. Adulteration of pepper piccalilli. U. S. v. 374 Cartons of Pepper Piccalilli (and 5 other seizure actions against pepper piccalilli). Default decrees of condemnation and destruction. (F. D. C. Nos. 17648, 17653, 17656, 18156, 18247 to 18249, incl. Sample Nos. 4496-H, 4500-H, 5002-H to 5004-H, incl., 5008-H, 5011-H, 5015-H.)

LIBELS FILED: October 10, 11, 12, and 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 1 and September 20, 1945, by the Uddo and Taormina Co., from Vineland, N. J.

PRODUCT: 374 cartons, 69 cartons, and 151 cartons, and 150 cases, 59 cases, 129 cases, and 197 cases of pepper piccalilli peperoni at Philadelphia, Pa.

LABEL, IN PART: "Progresso Brand * * * Pepper Piccalilli Peperoni."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, fly eggs, fly parts, larvae, maggots, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1945, and January 3, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10338. Adulteration of yellow mustard seed. U. S. v. 284 Bags of Yellow Mustard Seed. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17543. Sample No. 9832-H.)

LIBEL FILED: February 25, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about February 8, 1945, from Conrad, Mont.

PRODUCT: 284 100-pound bags of yellow mustard seed at Buffalo, N. Y., in possession of the Merchants Refrigerating Co. (Terminal and Transportation Warehouse). The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 6, 1946. The Merchants Refrigerating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of bringing it into compliance with the law by segregating the good from the bad, destroying the part that was bad, and reconditioning the part that may be made good, under the supervision of the Food and Drug Administration.

10339. Adulteration and misbranding of chow chow. U. S. v. 84 Cases of Chow Chow (and 3 other seizure actions against chow chow). Default decrees of condemnation. Portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 17627, 17628, 18392, 19447. Sample Nos. 472-H, 473-H, 1222-H, 1370-H.)

LIBELS FILED: October 10 and December 27, 1945, and March 22, 1946, Northern and Southern Districts of Georgia.

ALLEGED SHIPMENT: On or about August 21, 27, and 29, 1945, by M. Licht and Son, from Knoxville, Tenn.

PRODUCT: Chow chow. 184 cases at Atlanta, 15 cases at Griffin, and 26 cases at Brunswick, Ga. Each case contained 4 1-gallon jars. The 4 shipments of this product contained about 0.08, 0.11, 0.1, and 0.08 percent, respectively, of saccharin. These quantities of saccharin are the equivalent of 25 to 30 percent of sugar.

LABEL, IN PART: "Smoky Mountain Sweet Chow Chow."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing saccharin, which has no food value, had been substituted in whole or in part for sweet chow chow.

Misbranding, Section 403 (a), the label designation "Sweet Chow Chow" was false and misleading. Sweet chow chow should contain, according to trade and consumer understanding, approximately 25 percent of sugar as its sweetening ingredient. The product, however, contained saccharin as its added sweetening ingredient, which has no food value and which is not a normal or expected ingredient of sweet chow chow.

DISPOSITION: November 9, 1945, and February 18 and June 27, 1946. No claimant having appeared, judgments of condemnation were entered. The Brunswick lot was ordered delivered to a charitable institution, and the 3 remaining lots were ordered destroyed.

10340. Adulteration and misbranding of pure vanilla extract. U. S. v. 720 Bottles of Pure Vanilla Extract (and 8 other seizure actions against vanilla extract). Tried to the court. Verdict for the Government. Decree of condemnation. Product ordered delivered to public institutions. (F. D. C. Nos. 3945, 4256, 4302, 4353, 4476, 4477, 4736, 4777, 4787. Sample Nos. 21711-E, 21837-E, 31698-E to 31700-E, incl., 32978-E, 56876-E, 57336-E, 57337-E, 62303-E.)

LABELS FILED: Between March 8 and May 22, 1941, Northern and Southern Districts of California, Eastern District of New York, Eastern District of Arkansas, and Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of December 18, 1940, and April 17, 1941, by the Plantation Extract Corp., from New York, N. Y. One of the shipments was delivered to Brooklyn, N. Y., under a bill of lading marked "For Export Marked For: QMSO Puerto Rican Genl. Depot Fort Buchanan, San Juan, P. R. P. O. # 10689."

PRODUCT: 213 cartons and 502½ dozen bottles of pure vanilla extract at San Francisco and Los Angeles, Calif., Little Rock, Ark., Brooklyn, N. Y., and Chicago, Ill. The bottles were in ¾-ounce, 2-ounce, 8-ounce, and 1-gallon sizes. The cartons each contained 24 bottles.

LABEL, IN PART: "Pure Extract Vanilla," "Plantation Pure Vanilla Extract for Flavoring," or "Banner's Super-fine Pure Vanilla Extract."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted in whole or in part for pure vanilla extract; Section 402 (b) (3), inferiority had been concealed through the addition of foreign resins; and, Section 402 (b) (4), foreign resins had been added or mixed or packed with the article so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statements, "Pure Vanilla Extract," "Pure Extract Vanilla," and "Guaranteed to comply with all Pure Food Laws in every respect," were false and misleading; Section 403 (b), the article 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), the containers of a portion of the Chicago lot were so made, formed, or filled as to be misleading.

DISPOSITION: The Plantation Extract Corporation, claimant, having filed a motion for the consolidation of the cases, and the Government having consented, an order was entered on October 25, 1941, ordering that the California, Arkansas, and Illinois cases be removed to, and consolidated for trial with the case in, the Eastern District of New York. On May 13, 1944, the court handed down the following opinion: