

**3518. Adulteration and misbranding of so-called vanilla extract. U. S. v. 1 Barrel of So-called Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 5283. I. S. No. 897-e. S. No. 1871.)

On July 23, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of vanilla extract remaining unsold in the original unbroken package at Salt Lake City, Utah, alleging that the product had been shipped on or about April 25, 1913, and transported from the State of New York into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Special Ice Cream Flavor Trade Mark (Monogram)—Guaranteed by Star Extract Works, according to the Food and Drugs Act of June 30, 1906, U. S. Serial No. 5187."

It was alleged in the libel that the product was misbranded and adulterated for the following reasons, that is to say, that the contents of said barrel were, in fact, an imitation of vanilla extract, colored in such a manner as to imitate the genuine product, and that a substitute for and imitation of vanilla extract had been so packed and mixed with the product as to reduce and lower its quality and strength, and had been substituted in large part for vanilla extract; that the contents of said barrel were in fact misbranded, in that being labeled as aforesaid the same were labeled in such a manner as to deceive and mislead the purchaser, and were intended so to mislead and deceive the purchaser, for the reason that it was represented by said label that the contents of the barrel were ice cream flavor, whereas, in fact, said contents of said barrel consisted in large part of imitation vanilla extract, artificially colored; and that said label represented that the contents of the barrel were a genuine ice cream flavor, whereas, in truth and in fact, the same were an imitation of such flavor, though labeled and offered for sale under the distinctive name of a genuine ice cream flavor; and said barrel so labeled as aforesaid was actually represented to be and was shipped in interstate commerce as vanilla extract, whereas, in truth and in fact, the same was an imitation of such product.

On March 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914.*