

30194. Adulteration and misbranding of vanilla extract. U. S. v. 3,216 Bottles of Vanilla Extract. Decree of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 44530, 44531. Sample Nos. 41632-D, 41633-D.)

This product was represented to be pure vanilla extract; whereas it was a hydroalcoholic solution of artificial vanilla flavor containing little or no true vanilla extract.

On December 15, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,216 bottles of vanilla extract at Lancaster, Pa.; alleging that the article had been shipped in interstate commerce on or about November 14, 1938, by Certified Extracts, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Plee-Zing Pure Vanilla Extract."

It was alleged to be adulterated in that a hydroalcoholic solution of artificial vanilla flavor which contained little or no true vanilla extract had been substituted in whole or in part for pure vanilla extract, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Guaranteed to comply with all state and national pure food laws" was misleading since it created the impression that the article had been examined and approved by the Government; that the Government guaranteed that it complied with the law, and that it did so comply, whereas it had not been approved, was not guaranteed by the Government, and did not comply with the law. Misbranding was alleged further in that the statement, (carton) "Pure Vanilla Extract This Extract is carefully prepared from the purest ingredients," and (bottle) "Pure Vanilla Extract," were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a hydroalcoholic solution of artificial vanilla flavor which contained little or no true vanilla extract; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On January 30, 1939, Certified Extracts, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30195. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist (Hacker Flour Mills). Plea of guilty. Fine, \$26 and costs. (F. & D. No. 42621. Sample Nos. 3906-D, 3907-D, 3908-D.)

Wheat brown shorts and screenings had been substituted in whole or in part for this product. It contained more crude fiber than declared on the tag and one lot contained less crude protein than declared.

On December 5, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Harriet E. Hacker, William T. Hacker, Mrs. Charles F. Sprague, Jr., and Mrs. George Crist, copartners trading as Hacker Flour Mills, Jefferson, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, within the period from on or about March 7, 1938, to on or about May 3, 1938, from the State of Oklahoma into the State of Texas, of quantities of wheat gray shorts and screenings which were adulterated and misbranded.

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements on the tags, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 per cent," with respect to all lots and the statement "Crude Protein not less than 17.00 Per Cent" with respect to one lot, were false and misleading and were borne on the said tags so as to deceive and mislead the purchaser, since the article consisted of wheat brown shorts and screenings, it contained more than 6 per cent fiber (samples from the three shipments contained 6.94, 6.87, and 7.39 percent, respectively, of crude fiber), and one lot contained less than 17 percent of crude protein, namely, not more than 16.24 percent.

On December 9, 1938, the defendants entered pleas of guilty and the court imposed a joint fine of \$26 and costs as to the defendants collectively.

HARRY L. BROWN, *Acting Secretary of Agriculture.*