

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MOLASSES

694. Adulteration of molasses. U. S. v. 37 Barrels and 4 Half-Barrels of Molasses. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1557. Sample Nos. 71527-D, 71556-D, 71557-D.)

This product was found to contain lead, which might have rendered it injurious to health.

On March 2, 1940, the United States attorney for the Southern District of California filed a libel against 37 barrels each containing 55 gallons, and 4 half-barrels each containing 30 gallons, of molasses at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 8, 1939, by Penick & Ford, Ltd., Inc., from New Orleans, La.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, namely, lead, which might have rendered it injurious to health, and which was unsafe within the meaning of the act. The article was labeled in part: "Bakers & Confectioners Supply Co., Distributors, Invincible Brand B.S. Molasses."

On April 11, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

FLAVORS

695. Misbranding of lemon extract. U. S. v. 54 Dozen Bottles of Lemon Extract. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 684. Sample No. 79051-D.)

The bottles containing this product were paneled, and had thickened glass on the sides and bottoms, and long necks. The width of the bottle was considerably less than the width of the carton in which it was packed. No statement of the quantity of the contents appeared on the carton and that on the bottle label was expressed in terms of drachms and not of fluid ounces. Furthermore, the bottles contained less than the amount declared.

On October 7, 1939, the United States attorney for the Southern District of Georgia filed a libel against 54 dozen bottles of lemon extract at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by the Davis Manufacturing Co. from Knoxville, Tenn.; and charging that it was misbranded. It was labeled in part: "Mothers Choice Brand."

The article was alleged to be misbranded in that the statement on the bottle, "4 Drachms Net," was false and misleading since it was not accurate; in that its containers were so made, formed, or filled as to be misleading; in that it was in package form and failed to bear an accurate statement of the contents, since the quantity found was less than the amount declared on the bottle label and the cartons did not bear any statement of the quantity of the contents; in that the statement of the quantity of contents, required by the statute to appear on the label, was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual, since it expressed the quantity in drachms instead of fluid ounces; and in that the statement, "* * * guaranteed by the manufacturers to comply with all food and drug laws as labeled," was false and misleading since such statement would cause the purchaser to believe that the Government guaranteed the article.

On November 7, 1939, a default decree of condemnation and forfeiture was entered; and on November 14, 1939, an amended decree was ordered providing that the product be delivered to charitable institutions.

696. Misbranding of lemon extract. U. S. v. 168 Bottles of Lemon Extract. Default decree of condemnation and destruction. (F. D. C. No. 1244. Sample No. 78893-D.)

Examination showed that the bottles occupied less than 34 percent of the space in the cartons.

On December 27, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 168 bottles of lemon extract at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "Drew's Pure Extract Lemon."

The article was alleged to be misbranded in that its containers (cartons) were so made, formed, or filled as to be misleading. It was alleged to be misbranded

further in that the following statements were false and misleading in that they were incorrect: "This is to certify that this extract * * * is guaranteed to comply with all * * * National Pure Food Laws."

On January 24, 1940, a default decree of condemnation and destruction was entered.

697. Misbranding of flavorings. U. S. v. 252 Bottles of Vanilla and 180 Bottles of Lemon Flavorings. Default decree of condemnation and destruction. (F. D. C. No. 1303. Sample Nos. 78743-D, 78744-D.)

The containers of these products were deceptive because of indented paneling and consequent small ratio of contents to size of bottles; and also because of the unduly large size of the cartons.

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 252 bottles of vanilla flavoring and 180 bottles of lemon flavoring at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about October 2 and 3, 1939, by Pennex Products Co., Inc., from Pittsburgh, Pa.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. They were labeled in part: "Pennex Brand Pure Vanilla [or "Lemon"] Flavoring."

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

698. Adulteration and misbranding of vanilla flavor. U. S. v. 13 Cases, 6 Cases, and 9 Cases of Vanilla Flavor. Default decree of condemnation and destruction. (F. D. C. No. 1182. Sample Nos. 79616-D, 79617-D, 79618-D.)

This product was a mixture of vanillin and coumarin, artificially colored with caramel, and containing little or no vanilla. The bottles were paneled, which created the impression that they contained more than was actually the case.

On December 14, 1939, the United States attorney for the Northern District of Illinois filed a libel against 28 cases of vanilla flavor at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by A. J. Krank, Inc., from St. Paul, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Gemac Compound Vanilla Flavor Vanilline Vanilla Coumarin with Caramel Color * * * Gemac Laboratories [or "Chicago Laboratories"] Chicago, Ill."

It was alleged to be adulterated in that inferiority had been concealed through the addition of artificial color. It was alleged to be adulterated further in that a substance consisting of vanillin and coumarin, artificially colored with caramel and containing little or no vanilla, had been mixed and packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that it was an imitation of another food and its label did not bear the word "imitation" in type of uniform size and prominence and immediately after the name of the food imitated. It was alleged to be misbranded further in that its container was so made, formed or filled as to be misleading.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

699. Misbranding of vanilla extract. U. S. v. 35 Dozen ¾-Ounce Bottles, 11 Dozen 2-Ounce Bottles, and 2½ Dozen 4-Ounce Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 1607. Sample No. 75053-D.)

The 2-ounce and the 4-ounce bottles were paneled, and had thickened glass on the sides and bottom, and long necks. The ¾-ounce and 2-ounce bottles were packed in cartons which were 50 percent larger than necessary.

On March 9, 1940, the United States attorney for the Western District of Wisconsin filed a libel against 48½ dozen bottles of vanilla extract at La Crosse Wis., alleging shipment in interstate commerce on or about January 31, 1940, by the La Salle Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that the containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Florence Nightingale Brand Pure Vanilla Extract."

On April 24, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.