

tents statement required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MAPLE SIRUP

**1391. Adulteration of maple sirup. U. S. v. 45 10-Ounce Jugs and 12 Quart Jugs of Maple Sirup. Default decree of condemnation and destruction.** (F. D. C. No. 2244. Sample No. 33623-E.)

This product was sour, fermented, and decomposed.

On June 22, 1940, the United States attorney for the Northern District of New York filed a libel against 45 10-ounce jugs and 12 quart jugs of maple sirup at Troy, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1939, by the Vermont Syrup Co. from Bennington, Vt.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

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

#### FLAVORS

**1392. Adulteration and misbranding of butter flavor. U. S. v. 17 Cases of Butter Flavor. Default decree of condemnation and order of destruction.** (F. D. C. No. 1468. Sample No. 83317-D.)

This product was an imitation butter flavor and, with the exception of a portion labeled "Clear," was artificially colored with Yellow OB, a coal-tar color.

On February 10, 1940, the United States attorney for the District of Idaho filed a libel against 17 cases of butter flavor at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about March 17, 1938, from Seattle, Wash., by Fortune Transfer Co. for the Pacific Nut Co.; and charging that it was adulterated and misbranded. The article was all labeled in part: (Bottle) "Baker Boy Brand True Butter \* \* \* Pacific Nut Co. Seattle Wash." Some of the bottles bore the statement "Butter Color Added" on the label and others bore the word "Clear" on the cap.

The article was alleged to be adulterated in that imitation butter flavor containing artificial flavor, a portion of which also contained artificial color, had been substituted for "True Butter Flavor," which it purported to be.

It was alleged to be misbranded in that the statements, "True Butter Flavor" and "Complies with all Pure Food Laws," were false and misleading as applied to imitation butter flavor not labeled in compliance with the act. It was alleged to be misbranded further in that 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. It was alleged to be misbranded further in that it contained artificial flavor, and in some instances artificial coloring, and the label did not state those facts.

On March 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1393. Adulteration and misbranding of lemon flavor. U. S. v. 96 Packages of Lemon Flavor. Default decree of condemnation and destruction.** (F. D. C. No. 2175. Sample No. 10296-E.)

This product was labeled to indicate that it was a substitute for lemon juice. It was contained in two bottles marked A and B and so joined as to be used together. Bottle A contained a turbid, artificially colored 50-percent solution of citric acid, and bottle B contained lemon extract. No fruit juice was present in either. The statement of the quantity of the contents on the carton was covered by a sticker. Bottle B was paneled and had thick glass and an elongated neck, which made it appear to contain more than 1 fluid ounce; whereas it had an actual capacity of  $\frac{1}{2}$  fluid ounce and furthermore was not more than one-third filled.

On June 6, 1940, the United States attorney for the District of New Jersey filed a libel against 96 packages of lemon flavor at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by the One-Two-Three Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Package)