

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)

"1-2-3 Lemon Flavor [design of a cut lemon and drops of lemon juice] The Perfect Lemon Flavoring."

The article was alleged to be adulterated in that a substance consisting of lemon extract and a turbid, artificially colored solution of citric acid had been substituted wholly or in part for lemon flavor.

It was alleged to be misbranded in that the statement "Lemon Flavor * * * The perfect lemon flavoring" and the design of a cut lemon and drops of lemon juice were false and misleading as applied to a substance consisting of lemon extract and a turbid, artificially colored solution of citric acid. It was alleged to be misbranded further in that it was an imitation of another food, namely, concentrated lemon juice; 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 its container was so made, formed, or filled as to be misleading; in that it was in package form and did not bear an accurate statement of the quantity of the contents; in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient; and in that it contained artificial flavoring and artificial coloring and its label did not state that fact.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1394. Adulteration and misbranding of imitation lemon flavor. U. S. v. 12 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 2012. Sample No. 732-E.)

This product was artificially colored and slightly artificially flavored, not more than one-sixth as strong in flavor as standard lemon extract. An imitation lemon extract should equal a standard lemon extract in flavoring strength.

On May 24, 1940, the United States attorney for the Western District of North Carolina filed a libel against 12 cases of lemon flavor at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by Purex Products, Inc., from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Winner Brand Imitation Lemon Flavor."

The article was alleged to be adulterated in that a worthless substance having little or no flavoring value had been substituted for "imitation lemon flavor"; and in that inferiority had been concealed by the addition of artificial color.

It was alleged to be misbranded in that the statement "imitation lemon flavor" was false and misleading since it had practically no flavoring value.

On July 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1395. Misbranding of vanilla and lemon extract. U. S. v. 36 Cartons of Vanilla Extract and 36 Cartons of Lemon Extract. Default decree of condemnation and destruction. (F. D. C. No. 3195. Sample Nos. 28511-E, 28512-E.)

The bottles containing these products had thick walls and bottoms, panel sides, and elongated necks. Neither the bottles nor retail cartons bore a statement of the quantity of the contents.

On October 17, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against the above-named products at Roanoke Rapids, N. C., alleging that the articles had been shipped in interstate commerce on or about August 8, 1940, by the C. F. Sauer Co. from Richmond, Va.; and charging that they were misbranded. The articles were labeled in part: "Sauer's Pure Extract Vanilla [or "Lemon"]."

The articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading; and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed after 30 days unless taken down under bond by the owner. They were subsequently destroyed in accordance with said order.

1396. Adulteration and misbranding of vanilla flavor. U. S. v. 5 Gross Cartons of Vanilla Flavor. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 2027. Sample No. 4027-E.)

This product was a water-alcohol solution of vanillin and coumarin, which resembled pure vanilla extract in color, but contained little, if any, vanilla.