

under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "C and H Sugar Pure Cane."

On August 5, 1941, Elkhorn Canning Co., Elkhorn, Wis., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit under the supervision of the Food and Drug Administration.

2813. Misbranding of honey. U. S. v. 36 Packages and 75 Packages of Honey. Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a charitable institution. (F. D. C. Nos. 3977, 3980. Sample Nos. 44027-E, 44640-E.)

The labeling of this product bore false and misleading representations regarding its efficacy and properties as indicated hereinafter.

On March 15, 1941, the United States attorney for the Middle District of Tennessee filed a libel against 36 packages of honey at Dickson, Tenn., alleging that the article had been shipped in interstate commerce on or about February 5, 1941, by the Tongue River Apiaries (E. C. Reed & Son) from Ranchester, Wyo. On March 31, 1941, the United States attorney for the District of Colorado filed a libel against 75 packages of honey at Denver, Colo., which had been shipped by Tongue River Apiaries on or about October 1, 1940, from Ranchester, Wyo.

The article was alleged to be misbranded in that the statement, contained in an accompanying circular entitled "Honey 'Round the World," "To make spoiled honey good, 'mix one part spoiled with two parts good,'" was false and misleading in that spoiled honey cannot be made good by mixing it with good honey. It was alleged to be misbranded further in that the statements on the carton, "Health Sweet"; "Helpful for impaired digestion, diabetes, etc."; and "A teaspoonful in warm water induces sleep and stimulates the heart," were false and misleading since the use of the article could not be depended upon to fulfill the promises of benefit stated and implied thereby. It was alleged to be misbranded further in that the statements in an accompanying circular entitled "Please Pass the Honey," regarding its efficacy in the maintenance of health, its efficacy in the treatment of heart weakness and heart failure and in reviving heart action, its efficacy in the treatment of pneumonia and its value for general physical repair, its efficacy to produce energy and give the user a healthy complexion, and its efficacy as a cosmetic because of its nourishing, bleaching, astringent and antiseptic effect on the skin, were false and misleading since it would not be efficacious for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 499.

On May 27 and June 28, 1941, no claimant having appeared, judgments of condemnations were entered and the product seized at Denver was ordered delivered to a charitable institution and that seized at Dickson was ordered destroyed.

FLAVORS

Nos. 2814 to 2818 report the seizure and disposition of vanilla extract which contained resinous substances not derived from the vanilla bean.

2814. Adulteration and misbranding of vanilla extract. U. S. v. 131 Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4254. Sample No. 44382-E.)

On April 7, 1941, the United States attorney for the District of Utah filed a libel against 131 bottles of vanilla extract at Fort Douglas (Salt Lake City), Utah, alleging that the article had been shipped in interstate commerce on or about March 5, 1941, by Astrol Pharmacal Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla * * * Distributors Huguenot Laboratories Mount Vernon N. Y."

The article was alleged to be adulterated in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; in that inferiority had been concealed through addition of foreign resins; and in that foreign resins had been added thereto or mixed or 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 the statement "Pure Extract Vanilla" was false and misleading as applied to imitation vanilla extract containing resinous substances not found in genuine vanilla extract; in that it was offered for sale under the name of another food; and 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.

On May 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2815. Adulteration and misbranding of vanilla extract. U. S. v. 12 Cartons of Vanilla Extract. Default decree of condemnation. Product ordered delivered to Food and Drug Administration for technical use. (F. D. C. No. 4087. Sample Nos. 49531-E, 49532-E.)

On April 1, 1941, the United States attorney for the Western District of Texas filed a libel against 12 cartons of vanilla extract at San Antonio, Tex., consigned by Duke & Benedict, alleging that the article had been shipped in interstate commerce on or about February 8 and 21, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla * * * Distributors Midwest Laboratories Chicago, Ill.," and "Pure Extract Vanilla * * * Distributors Huguenot Laboratories, Mount Vernon, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading; (2) in that it was offered for sale under the name of another food; and (3) 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.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for technical uses.

2816. Adulteration and misbranding of vanilla extract. U. S. v. 22 Cases of Vanilla Extract (and 2 other seizures of vanilla extract). Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 3973 to 3975, incl. Sample Nos. 46606-E, 46607-E, 46902-E.)

This case was based on the return shipment of three lots of vanilla extract that contained added resins not found in genuine vanilla extract.

On March 19, 1941, the United States attorney for the Southern District of New York filed libels against 64 cases, each containing 24 8-ounce bottles, and 4 cases, each containing 30 8-ounce bottles, of vanilla at New York, N. Y., alleging that the article had been shipped from Fort George G. Meade, Md., and from Trenton, N. J., on or about January 20 and 28, 1941; and charging that it was adulterated and misbranded. It was labeled in part: "Pure Extract Vanilla * * * Distributors Huguenot Laboratories Mount Vernon, N. Y."

The article was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for pure extract vanilla; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) 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.

On September 9, 1941, the cases having been consolidated and Arthur C. Herbert, claimant, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration so that it comply with the law.

2817. Adulteration and misbranding of vanilla extract. U. S. v. 42 Bottles of Vanilla Extract. Default decree of condemnation. Product ordered delivered to Food and Drug Administration for technical purposes. (F. D. C. No. 4238. Sample No. 37016-E.)

On April 10, 1941, the United States attorney for the Eastern District of North Carolina filed a libel against 42 bottles of vanilla extract at Fort Bragg,