

having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to S. Duarte & Co. to be segregated and brought into conformity with the law under the supervision of the Food and Drug Administration. On January 27, 1943, S. Duarte & Co. having sold, transferred, and assigned their interests in the product to Gonzales & Blanco, the latter firm was, by order of the court, substituted as claimant.

5200. Adulteration and misbranding of cinnamon. U. S. v. 52 Cases of Cinnamon. Default decree of condemnation and destruction. (F. D. C. No. 9909. Sample No. 11289-F.)

This product consisted of artificially flavored barley starch granules that had the odor of cinnamon.

On May 7, 1943, the United States attorney for the Northern District of California filed a libel against 52 cases, each containing 24 bottles, of cinnamon at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about March 22, 1943, by the Chicago Food & Spice Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Cinnamon Artificially Flavored 1 Oz. Contains: Processed Cereal and Artificial Flavoring Material."

The article was alleged to be adulterated in that cinnamon had been in whole or in part omitted therefrom, and in that an artificially flavored cereal product had been substituted wholly or in part for "Cinnamon Artificially Flavored" which the article purported and was represented to be.

It was alleged to be misbranded (1) in that the name "Cinnamon" was false and misleading as applied to artificially flavored barley; (2) in that it was an imitation of another food, cinnamon, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" is not the common or usual name of barley.

On July 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5201. Misbranding of horseradish. U. S. v. 48 Cartons of Horse Radish. Default decree of condemnation and destruction. (F. D. C. No. 10016. Sample No. 33786-F.)

This product contained sulfur dioxide, and its label did not state that fact.

On May 26, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 cases, each containing 12 bottles, of horseradish at Ashtabula, Ohio, alleging that the article had been shipped in interstate commerce on or about April 28, 1943, by the Taylor Packing Co. from Elmira, N. Y.; and charging that it was misbranded. The article was labeled in part: (Bottles) "Nippy 5 Oz. Avd. Prepared Horseradish * * * Distributed by Blair-Darnall Ashtabula, Ohio."

The article was alleged to be misbranded in that it contained a chemical preservative and failed to bear labeling stating that fact.

On August 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5202. Adulteration and misbranding of mustard. U. S. v. 12 Cases and 35 Cases of Mustard. Default decrees of condemnation and destruction. (F. D. C. Nos. 9499, 9502. Sample Nos. 31892-F, 31894-F, 31896-F.)

This product contained insect fragments and one lot also contained rodent hairs. Portions were short volume, and a portion was labeled "8 ozs" whereas the jars contained approximately 14½ ounces:

On March 7, 1943, the United States attorney for the Southern District of Ohio filed libels against 47 cases, each containing 24 jars, of mustard at Cincinnati, Ohio, consigned on or about September 28 and November 6, 1942, and February 5, 1943, alleging that the article had been shipped in interstate commerce by the Food Specialties, Inc., from Indianapolis, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "1 Pint Newton's Pure Mustard * * * Packed for Newton Mfg. Co. Cincinnati, Ohio," or "Ambassador Contents 1 Pint [or "8 ozs."] Horse-radish Style Mustard."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. A portion was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.