

**1197. Misbranding of sugar-coated peanuts. U. S. v. 14 Cartons of Sugar-coated Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 2174. Sample No. 14675-E.)**

This product was packed in baskets which had cardboard inserts in the bottom occupying an average of about 20 percent of the package. The label was inconspicuously placed on the bottom of the containers. Some of the packages failed to bear the address of the packer; and the label did not bear the common or usual name of the article or a list of ingredients.

On June 5, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 cartons of sugar-coated peanuts at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about May 11, 1940, by the Oakdale Pretzel & Nut Co., Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Garden of Allah Nuts."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading; and in that it was food in package form and some of the packages did not bear the place of business of the manufacturer, packer, or distributor. It was alleged to be misbranded further in that the information required by law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; in that its label did not bear the common or usual name of the food, namely, peanuts; and in that it was labeled in part: (Tag) "Stanard's Best Flour" or "Stanard's \* \* \* usual name of each ingredient.

On June 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### FLAVORS

**1198. Misbranding of vanilla, almond, and lemon extracts. U. S. v. 2 Gross Boxes of Vanilla Extract, 21 Boxes of Almond Extract, and 17 Boxes of Lemon Extract. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 1859. Sample Nos. 10030-E, 10031-E, 10032-E.)**

The cartons containing these products were unnecessarily large, being approximately  $1\frac{3}{4}$  inches higher,  $\frac{5}{16}$ -inch thicker, and  $\frac{1}{8}$ -inch wider than the bottle at its base; and the bottles were narrower at the top than at the base, tapering from  $1\frac{3}{8}$  inches at the base to 1 inch just below the neck. Furthermore, the quantity of the contents was expressed in drams instead of fluid ounces.

On April 25, 1940, the United States attorney for the District of Connecticut filed a libel against the above quantities of extracts at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce on or about February 1, 1940, by the Virginia Dare Extract Co., Inc., from Brooklyn, N. Y.; and charging that they were misbranded. The articles were labeled in part: "Virginia Dare Pure Vanilla [or "Almond" or "Lemon"] Extra Strength."

The articles were alleged to be misbranded in that the statement "Guaranteed \* \* \* to comply with all national and State Food laws" was false and misleading since it was incorrect. They were alleged to be misbranded further in that the containers were so made, formed, and filled as to be misleading. They were alleged to be misbranded further in that the quantity of the contents statement required on the label was not properly placed thereon in such terms as to be read and understood by the ordinary consumer, since it was expressed in drams instead of fluid ounces.

On June 29, 1940, the Virginia Dare Extract Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be repacked so as to comply with the law.

**1199. Misbranding of vanilla extract. U. S. v. 20 Cases of Vanilla Extract. Consent decree of condemnation. Cartons ordered destroyed and product delivered to claimant. (F. D. C. No. 1904. Sample No. 13131-E.)**

The height of the carton of this product was 6 inches while that of the bottle was only  $4\frac{5}{8}$  inches; and the statement of the quantity of contents on the cartons was inconspicuous since it appeared on the top and bottom panels.