

19263. Adulteration of canned prunes. U. S. v. 90 Cases, et al., of Canned Prunes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25951, 25956. I. S. Nos. 16467, 16469. S. Nos. 4200, 4213.)

Samples of canned prunes from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Tennessee.

On February 24 and February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 220 cases of canned prunes, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by Paulus Bros. Packing Co., Salem, Oreg., on or about November 22, 1930, and had been transported from the State of Oregon into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Red Tag Choice Fresh Oregon Prunes * * * Select Pacific Coast fruits Paulus Bros. Packing Co., Salem, Oregon."

It was alleged in substance in the libels that the article was adulterated in violation of section 7, paragraph 6, under food of the said act, in that the said article was partially decomposed.

On October 12, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19264. Adulteration and misbranding of V-Nilla. U. S. v. Walter F. Seidel and Louis A. Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, \$300. (F. & D. 22544. I. S. 74-X.)

Examination of a food product, known as V-Nilla, from the shipment herein described showed that the article was an imitation product artificially colored, flavored with vanillin and coumarin, and containing little, if any, vanilla.

On May 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Walter F. Seidel and Louis A. Seidel, copartners trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants in violation of the food and drugs act, on or about September 1, 1926, from the State of Illinois into the State of California, of a quantity of V-Nilla that was adulterated and misbranded. The article was labeled in part: "V-Nilla A highly concentrated flavoring agency embodying the aromatic essentials of Vanilla Beans. * * * Manufactured By Ad. Seidel & Sons Manufacturing Food Chemists * * * Chicago, U. S. A. * * * For making V-Nilla into an Extract. * * * This makes one gallon of extract."

It was alleged in the information that the article was adulterated in that an imitation vanilla sugar, largely composed of sugar, vanillin, and coumarin, and artificially colored with caramel, had been substituted for vanilla extract which the article purported to be. Adulteration was alleged for the further reason that the article was inferior to vanilla extract, prepared in imitation of vanilla extract, and was artificially colored with caramel so as to simulate the appearance of vanilla extract and in a manner whereby its inferiority to said vanilla extract was concealed.

Misbranding was alleged for the reason that the statements, to wit, "V-Nilla * * * embodying the aromatic essentials of Vanilla Beans," "For making V-Nilla into an Extract," and "This makes one gallon of extract," borne on the labels attached to cans containing the article, were false and misleading in that the said statements represented that the article was a vanilla product embodying the aromatic essentials of vanilla beans, for making vanilla extract; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a vanilla product embodying the aromatic essentials of vanilla beans for making vanilla extract; whereas it was not, but was an artificially colored and artificially flavored imitation vanilla sugar, largely composed of vanilla and coumarin, and which did not contain any product of vanilla embodying the aromatic essentials of vanilla beans, and which would not make an extract of vanilla.

On December 17, 1931, the defendants entered pleas of guilty to the information and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*