

It was alleged to be misbranded in that the statements (carton) "Contents 2 Fluid Ounce" and (bottle) "2 Ounce," were false and misleading since they were incorrect.

The article was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On April 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1697. Misbranding of vanilla and almond extracts. U. S. v. 4 Cases of Vanilla and 2 Cases of Almond Flavoring. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 1985. Sample Nos. 10919-E, 10920-E.)**

The bottles containing these products were  $1\frac{9}{32}$  inches at the bottom and tapered to 1 inch at the shoulders. The necks were unnecessarily long. The bottles occupied on an average less than 50 percent of the cartons.

On May 17, 1940, the United States attorney for the District of New Jersey filed a libel against 4 cases of vanilla extract and 2 cases of almond extract at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about February 23 and April 3, 1940, by Fred Fear & Co. from Brooklyn, N. Y.; and charging that they were misbranded in that their containers were so made, formed or filled as to be misleading. The articles were labeled in part: "Morrow's Pure Extract Vanilla [or "Almond"] \* \* \* Prepared by Morrow Extract Corp. New York, N. Y."

On February 21, 1941, no claimant having appeared, judgment was entered nunc pro tunc as of June 19, 1940, condemning the products and ordering that they be delivered to a charitable institution.

#### SPICES

**1698. Misbranding of spices and tartaric acid. U. S. v. 2½ Gross Boxes of Cloves, 2 Gross Boxes of Tartaric Acid, and 5 Gross Boxes of Caraway Seeds. Default decree of condemnation and destruction. (F. D. C. No. 1942. Sample Nos. 10916-E, 10917-E, 10918-E.)**

The paper bag containing the cloves occupied less than 65 percent of the height of its carton, the carton containing the tartaric acid was filled to less than 30 percent of its height, and the paper bag containing the caraway seeds occupied only about 45 percent of the height of its carton.

On May 9, 1940, the United States attorney for the District of New Jersey filed a libel against 2½ gross boxes of cloves, 2 gross boxes of tartaric acid, and 5 gross boxes of caraway seeds at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about March 1 to on or about April 10, 1940, by the Safe Owl Products, Inc., from Brooklyn, N. Y.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled variously: "Uco Brand \* \* \* Whole Cloves [or "Caraway Seeds"] Uco Corporation Newark, N. J."; "Safe Owl Brand \* \* \* Pure Sour Salt (Tartaric Acid)."

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1699. Misbranding of celery seed and cardamon seed. U. S. v. 10 Cases of Celery Seed and 2 Cases of Cardamon Seed. Default decree of condemnation and destruction. (F. D. C. No. 3119. Sample Nos. 26612-E, 26613-E.)**

The wax paper envelope containing the celery seed occupied on an average about 72.5 percent of the package and the cardamon seed occupied on an average about 62 percent of the package.

On October 1, 1940, the United States attorney for the Western District of Washington filed a libel against 10 cases of celery seed and 2 cases of cardamon seed at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about August 16, 1940, by A. Schilling & Co. from San Francisco, Calif.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading.

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