

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 25, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution and that the labels be removed or destroyed.

SPICES

2544. Adulteration of onion powder. U. S. v. 12 Cans and 6 Cartons of Onion Powder. Default decrees of condemnation and destruction. (F. D. C. Nos. 4892, 5136. Sample Nos. 56920-E, 69489-E.)

Samples of this product were found to contain metal and insect fragments, and sand.

On June 9 and July 12, 1941, the United States attorney for the District of New Jersey filed libels against 12 cans, and 6 cartons each containing 2 cans, of onion powder at Jersey City, N. J., alleging that the former lot had been shipped from Chicago, Ill., by Sokol & Co. on or about April 16, 1941, and that the latter lot had been shipped on order of Sokol & Co. of Chicago, Ill., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Cans) "Cal Veg Pure Onion Powder Yellow Net Weight 25 Lbs."; (cartons) "Cal Veg Onion Powder Yellow"; and (cartons and cans) "Manufactured by The Burbank Corporation Burbank, California."

On September 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2545. Adulteration of onion powder. U. S. v. 10 Cans of Onion Powder (and 3 other seizures of onion powder). Default decrees of condemnation and destruction. (F. D. C. Nos. 4932, 5114, 5137, 6231. Sample Nos. 56921-E, 69490-E, 69833-E, 74822-E.)

Samples of this product were found to contain metal and insect fragments, sand, and dirt.

On July 11, 15, and 17, and November 17, 1941, the United States attorneys for the District of New Jersey and the Southern District of New York filed libels against 12 cans and 6 cases each containing 2 cans of onion powder at Jersey City, N. J., and 10 cans and 19 cartons each containing 2 cans of onion powder at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Burbank Corporation from Los Angeles, Calif., within the period from on or about October 2, 1940, to on or about October 4, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cal Veg Onion Powder Yellow [or "White"]"; (cans) "Net Weight 25 Lbs."; and (cases and cartons) "Net Weight 50 Lbs."

On August 19 and September 4 and 10, 1941, and January 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2546. Adulteration and misbranding of sweet paprika and white pepper. U. S. v. 33 Cans of Sweet Paprika and 53 Cans of White Pepper. Default decree of condemnation and destruction. (F. D. C. No. 5153. Sample Nos. 69659-E, 69660-E.)

The sweet paprika contained added starch and artificial color and its label failed to bear a statement of the quantity of the contents. The white pepper contained added starch.

On July 15, 1941, the United States attorney for the District of New Jersey filed a libel against 33 cans of sweet paprika and 53 cans of white pepper at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about March 10, 1941, by Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and that the paprika was also misbranded. The articles were labeled in part: "Crown Brand * * * Imported Sweet Paprika"; or "Crown Brand * * * White Pepper Spice Products Co., New York."

The paprika was alleged to be adulterated (1) in that a substance, paprika containing added starch and artificial color, had been substituted wholly or in part for paprika, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that starch and artificial color had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of

greater value than it was. It was alleged to be misbranded in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

The white pepper was alleged to be adulterated in that a substance, pepper containing added starch, had been substituted wholly or in part for pepper, which it purported to be; and in that starch had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

MISCELLANEOUS

2547. Misbranding of Kresto. U. S. v. 735 Cases and 226 Cases of Kresto. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 3688. Sample Nos. 44142-D, 44143-D.)

This product was a mixture of sugar, cocoa, malt, and possibly a small amount of skim milk. Its labeling failed to bear a statement of ingredients.

On January 27, 1941, the United States attorney for the District of Puerto Rico filed a libel against 961 cases of Kresto at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about December 5, 1940, by Bestov Products, Inc., from Long Island City, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: (Cans and cases, translated from Spanish) "Health Energy * * * An extract of the most nutritive foods of nature: * * * It is very rich in vitamins * * *. Kresto aids the digestion of other foods and taken before going to bed it produces a tranquil and restorative sleep. Kresto is a food prepared especially for nourishing the organism with the minimum of digestive effort. Kresto contains in correct proportion all the substances necessary for strengthening the brain, nourishing the bones, increasing the red corpuscles in the blood, building up the tissues, creating strong muscles and firm flesh. Kresto is a powerful generator of energy. * * * Alimentary value: 43 calories to each teaspoonful. It contains carbohydrates, proteins, fats and mineral substances; (cans in 735 cases only) "Take Kresto 3 times a day for health and energy." It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On August 5, 1941, F. Freiria S. en C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

2548. Misbranding of gelatin. U. S. v. 203 Cases of Gelatin. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4693. Sample Nos. 40349-E, 40350-E.)

The labeling of this product bore false and misleading representations concerning its value for reducing fatigue and increasing energy and endurance.

On May 8, 1941, the United States attorney for the District of New Jersey filed a libel against 203 cases of gelatin at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about March 20 and April 16, 1941, by the Charles B. Knox Gelatine Co., Inc., from Johnstown, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following designs, devices, and statements appearing in the circular accompanying both shipments and further and similar statements, designs, and devices in a booklet accompanying one of the shipments, concerning the value of the product for avoiding fatigue and increasing energy and endurance, were false and misleading: "How Knox Gelatine Works For You! * * * For Endurance [vignette of pamphlet entitled 'Fatigue And the New Way to Avoid It' and portraying pictures of individuals engaged in various physical activities] * * * The New Use For Knox Gelatine * * * The Knox Gelatine diet is being adopted by men and women all over the country who report that it really works. Hundreds of people who have completed 28-day occupational group tests have reported that Knox Gelatine has reduced fatigue to a significant degree. This is not theory. It is based upon carefully collected reports of men and women whose