

artificial coloring and artificial flavoring but failed to bear labeling stating that fact.

The $\frac{3}{4}$ -ounce size was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading. The 2-ounce size was alleged to be misbranded further in that the statement "2 Fluid Ounces" was false and misleading as applied to an article that was short volume, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On December 17, 1941, and March 25 and April 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3416. Misbranding of black pepper. U. S. v. 10 Cases and 10 Packages of Black Pepper. Default decree of condemnation and sale, with provision for destruction of containers. (F. D. C. No. 6681. Sample No. 37595-E.)

This product was short of the declared weight, and occupied an average of only 56.5 percent of the capacity of the container.

On January 12, 1942, the United States attorney for the Southern District of Georgia filed a libel against 10 packages, and 10 cases each containing 12 packages of 12 retail cartons, of black pepper at Augusta, Ga., alleging that the article had been shipped on or about August 6 and October 2, 1941, by C. W. Antrim & Sons from Richmond, Va.; and charging that it was misbranded. It was labeled in part: (Carton) "Net Weight $1\frac{1}{2}$ Oz. Old Mansion * * * Pure Black Pepper."

The article was alleged to be misbranded (1) in that the statement "Net Weight $1\frac{1}{2}$ Oz." was false and misleading as applied to an article that was short weight; (2) in that its container was so made and filled as to be misleading since the package was too large for the amount of pepper it contained and the pepper did not occupy a reasonable amount of the available space; and (3) in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold, with the provision that it be dumped immediately into bulk containers and its original containers destroyed.

3417. Adulteration of poppy seed. U. S. v. 15 Bags of Poppy Seed. Default decree of condemnation and destruction. (F. D. C. No. 6661. Sample No. 4372-E.)

Examination showed that this product was white poppy seeds artificially colored black with charcoal.

On January 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 15 bags of poppy seed at Chicago, Ill., alleging that the article had been shipped on or about November 5, 1941, by Arco Products Co. from Brooklyn, N. Y.; and charging that it was adulterated. It was labeled in part: (Bags) "P B & Co. Poppy Seed Artificially Colored with Vegetable Colors New York."

The article was alleged to be adulterated in that inferiority had been concealed by the addition of charcoal; and in that a substance, charcoal, had been added thereto so as to make it appear better or of greater value than it was.

On March 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3418. Adulteration of toasted onion powder. U. S. v. 54 $\frac{1}{2}$ Cases of Toasted Onion Powder. Default decree of condemnation and destruction. (F. D. C. No. 6866. Sample No. 86617-E.)

Examination showed that this product contained insect fragments and excreta, and dirt.

On February 18, 1942, the United States attorney for the Northern District of Illinois filed a libel against 54 $\frac{1}{2}$ cases of toasted onion powder at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 10, 1941, by William Prentiss, Jr., receiver for the Burbank Corporation, from Burbank, Calif.; 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: (Cases) "Toasted Onion Pwd. 100 Lbs. Net Burbank Corp. Burbank California."

On April 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 3419 to 3424 report the seizure and disposition of chili or red peppers that contained mold.

3419. Adulteration of chili peppers. U. S. v. 65 Bags and 94 Bags of Chili Peppers. Consent decrees of condemnation. Product ordered released under bond for segregation and reconditioning. (F. D. C. Nos. 7063, 7072. Sample Nos. 92256-E, 92257-E.)

On March 18 and 19, 1942, the United States attorney for the Southern District of California filed libels against 159 bags containing approximately 20,614 pounds of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 26 and 27, 1942, by Ben Hur Products, Inc., from Phoenix, Ariz.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1942, Ben Hur Products, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and reconditioning under the supervision of the Food and Drug Administration.

3420. Adulteration of chili peppers. U. S. v. 68 Bags, 115 Bags, and 40 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7058. Sample Nos. 92250-E, 92252-E, 92253-E.)

On March 18, 1942, the United States attorney for the Southern District of California filed a libel against 68 140-pound bags and 155 170-pound bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 26, 1941, and January 26, 1942, by J. C. Franzoy from Hatch, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 26, 1942, Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently, the unfit portion was segregated and destroyed.

3421. Adulteration of chili peppers. U. S. v. 26 Bags and 7 Bags of Chili Peppers. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 7062. Sample Nos. 92254-E, 92255-E.)

On March 18, 1942, the United States attorney for the Southern District of California filed a libel against 33 160-pound bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 26, 1942, by J. F. Franzoy from Salem, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 27, 1942, Chili Products Corporation, Ltd., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. Subsequently, the unfit portion was segregated and destroyed.

3422. Adulteration of chili peppers. U. S. v. 75 Bags of No. 4 Japan Chillies. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 7050. Sample Nos. 71172-E, 71283-E.)

On March 17, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 75 bags of chili peppers at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 30, 1941, by the P. H. Petry Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "No. 4 Japan Chillies * * * New York Chillies Net 80 Lbs. Product of Japan S. L. Jones & Co. Inc. San Francisco Distributor."

On March 23, 1942, the David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations on the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.