

at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1942, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was misbranded in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Rio Del Mar Brand * * * Contents 8 Oz. Avoir. or 227 Grams * * * Packed by Del Mar Canning Co., Monterey, Calif."

On October 5, 1942, the Del Mar Canning Co. of Monterey, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4157. Misbranding of canned tuna fish. U. S. v. New York Wholesale Grocery Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 2864. Sample Nos. 10412-E to 10414-E, incl.)

On September 28, 1942, the United States attorney for the Southern District of New York filed an information against the New York Wholesale Grocery Co., Inc., New York, N. Y., alleging that between December 19, 1939, and March 22, 1940, the defendant received from the French Sardine Co., Inc., of Terminal Island, Calif., two consignments of food contained in unlabeled cans; that the cans were shipped in cases labeled "48½ Unlabeled Bonita SS 25 Mann N. Y. W. G. Co."; that thereafter and between the above dates and while the article was being held by the defendant for sale after shipment in interstate commerce, the defendant unlawfully affixed and caused to be affixed to a number of the cans a label bearing the following statements and design: "New York's Best Brand Light Meat Tuna Fish [design of a tuna fish] Contents 7 Ozs. Quality NYB Foods. New York Wholesale Grocery Co., Inc. Distributors, New York, N. Y." The information alleged further that the acts of the defendant of affixing and causing the labels to be affixed to the said cans resulted in the article being misbranded (1) in that the statement "Light Meat Tuna" was false and misleading since the article did not consist of light meat tuna but consisted of bonita; (2) in that it was offered for sale under the name of another food, i. e., light meat tuna; and (3) in that the labels did not bear the common or usual name of the article, namely, bonita.

On October 6, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

4158. Adulteration of crab meat. U. S. v. 3 Barrels and 3 Barrels of Crabmeat. Default decrees of condemnation and destruction. (F. D. C. Nos. 8084, 8131. Sample Nos. 24018-F, 24021-F.)

This product was contaminated with fecal *Esch. coli*.

On July 28 and 31, 1942, the United States attorney for the District of Maryland filed libels against 6 barrels, containing a total of 420 1-pound cans, of crab meat at Crisfield, Md., which had been consigned by L. R. Carson, Inc., alleging that the article had been shipped in interstate commerce on or about July 28, 1942, from Tangier, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Embossed on cans) "Crabmeat 1 Lb. Net L. R. Carson, Inc. Crisfield, Md."

On September 2 and 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FLAVORS, SPICES AND CONDIMENTS

4159. Adulteration and misbranding of vanilla flavor. U. S. v. Joseph Frimel, Jr., (Commercial Coffee Co.). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 7229. Sample Nos. 73319-E, 73320-E.)

On August 22, 1942, the United States attorney for the Eastern District of Missouri filed an information against Joseph Frimel, Jr., trading as the Commercial Coffee Co. at St. Louis, Mo., alleging shipment on or about July 17 and August 7, 1941, from the State of Missouri into the State of Oklahoma of a number of jugs of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Jugs) "Chef's Delight Brand * * * Standard Vanilla Flavor R. J. Diehl Flavoring Ext. Co. St. Louis, Mo.," or (carton containing 4 jugs, shipment of July 17) "Std. Vanilla Extr."

The article was alleged to be adulterated in that a water alcohol solution of ethyl vanillin, coumarin, and caramel color had been substituted in whole or in part for standard vanilla flavor, or standard vanilla extract, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Standard Vanilla Flavor" and "Std. Vanilla Extr." were false and misleading; (2) in that it was

an imitation vanilla flavor or extract and was offered for sale under the name of another food, "vanilla flavor" or "Std. Vanilla Extr."; (3) in that it was an imitation and its label failed to bear in type of uniform size and prominence the word "Imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and did not bear labeling stating that fact.

On October 27, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each of the 4 counts.

4160. Adulteration of ginger, turmeric, and coriander seed. U. S. v. 3 Bags of Ginger, 13 Bags of Turmeric, and 3 Bags of Coriander Seed. Default decree of condemnation and destruction. (F. D. C. Nos. 8143, 8144, 8145. Sample Nos. 6018-F to 6020-F, incl.)

These products had been stored under insanitary conditions after shipment and when examined were found to be insect-infested.

On August 20, 1942, the United States attorney for the Western District of Tennessee filed libels against 3 bags, each containing approximately 120 pounds, of ginger, 13 bags, each containing approximately 135 pounds, of bulk turmeric, and 3 bags, each containing 88 pounds, of coriander seed in possession of Canova Foods Inc., Memphis, Tenn., alleging that the articles had been shipped in interstate commerce on or about August 23, 1941, and January 15 and April 8, 1942, and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

On September 28, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4161. Adulteration of coriander seed. U. S. v. 5 Bags of Coriander Seed. Default decree of condemnation and destruction. (F. D. C. No. 8359. Sample No. 17969-F.)

This product had been stored under insanitary conditions after importation and, when examined, it contained live beetles, ant-like insects, and rodent and insect excreta.

On September 17, 1942, the United States attorney for the Southern District of New York filed a libel against 5 bags containing approximately 500 pounds of coriander seed at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, from Casablanca, French Morocco, and that it was in possession of the Railroad Stores, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4162. Adulteration of sage leaves. U. S. v. 7 Bales of Sage Leaves. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 8364. Sample No. 17972-F.)

This product contained insect fragments, larvae, insect excreta, mites, and rodent hair.

On September 17, 1942, the United States attorney for the Southern District of New York filed a libel against 7 bales of sage leaves at New York, N. Y., alleging that the article had been shipped on or about November 19, 1941, by Spyros Georgallides from Famagusta, Cyprus, and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 2, 1942, Becker-Mayer Seed Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the fit portion be segregated from the unfit portion and the unfit portion destroyed.

4163. Adulteration of chillies. U. S. v. 20 Bags of Chillies. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 8319. Sample No. 12920-F.)

This product had been stored after shipment under conditions favorable to insect infestation and, when examined, it contained insects and insect excreta. Pupae, larvae moths, and webbing were observed on all the bags.

On September 4, 1942, the United States attorney for the District of Oregon filed a libel against 20 100-pound bags of chillies at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 14, 1942,