

**5995. Misbranding of vanilla extract. U. S. v. 7 Gross Cartons of Vanilla Extract. Default decree of condemnation. Product ordered delivered to a charitable organization.** (F. D. C. No. 10469. Sample No. 22850-F.)

**LABEL FILED:** August 26, 1943, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 28, 1943, from Brooklyn, N. Y., by Safe Owl Products, Inc.

**PRODUCT:** 5 gross cartons, each containing 1 ½-ounce bottle, and 2 gross cartons, each containing 1 1½-ounce bottle of vanilla extract at Atlantic City, N. J.

**LABEL, IN PART:** "Safe Owl Pure Extract ½ Fl. Oz. [or "1½ Fluid Ounces"] Vanilla."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), a portion of the article (½ oz. size) was alleged to be misbranded in that the statement "½ Fl. Oz." was false and misleading as applied to an article that was short volume; Section 403 (d), its container was so made and filled as to be misleading, since the carton was too wide for the bottle and the bottle was too tall for its capacity, and it did not fill a reasonable amount of the available space in the carton; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The other portion (1½ oz. size) was alleged to be misbranded, Section 403 (d), in that its container was so made and filled as to be misleading, since the carton was too tall and too wide for the bottle, and the bottle did not occupy a reasonable amount of the available space.

**DISPOSITION:** December 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

#### MISCELLANEOUS FOODS

**5996. Misbranding of soup mix. U. S. v. 33 Cases of Soup Mix. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 11138. Sample No. 49802-F.)

**LABEL FILED:** November 18, 1943, Western District of New York.

**ALLEGED SHIPMENT:** On or about July 27 and August 7, 1943, by the Pfaffman Co., Cleveland, Ohio.

**PRODUCT:** 33 cases, each containing 24 packages, of soup mix at Buffalo, N. Y.

**LABEL, IN PART:** (Packages) "Pfaffman's Kwik Soup Ingredients Chicken Noodle With Chicken Fat Ingredients—Extra rich pure Egg Noodles, Chicken fat, dehydrated parsley flakes, vegetable protein derivative (an artificial seasoning), salt and spice extractives."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a) the name "Chicken Noodle," appearing on the label, was false and misleading as applied to a soup mix containing no chicken meat or chicken extractives other than chicken fat, and the prominent statement "With Chicken Fat," appearing on the labeling, was misleading since the label failed to reveal with equal prominence that the article also contained hydrogenated vegetable oil and artificial flavor; Section 403 (i) (2), it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient, since hydrogenated vegetable oil was not declared.

**DISPOSITION:** January 5, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**5997. Adulteration and misbranding of soup mixture. U. S. v. 16 Cases of Soup Mixture. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 10923. Sample No. 12568-F.)

**LABEL FILED:** October 14, 1943, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about May 20 and August 23, 1943, by the Barker Food Products Co., Los Angeles, Calif.

**PRODUCT:** 16 cases of soup mixture at Yakima, Wash.

**LABEL, IN PART:** "Barkers Royal Soup Mixture."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), a valuable constituent, chicken meat extractives, had been omitted; and, Section 402 (b) (2) a noodle soup mix containing no chicken meat extractives had been substituted for chicken noodle soup mixture, which the article purported to be.