

after, the name of the food imitated; Section 403 (k), it contained artificial flavoring and artificial coloring and it failed to bear labeling stating that fact; and (A. Sasso, Cirillo, Lucca and Puglia brands), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap factory, to be mixed with other fats intended for industrial purposes.

9160. Misbranding of olive oil. U. S. v. 15 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15795. Sample No. 5960-H.)

LIBEL FILED: April 5, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about January 19, 1945, by the Scarlata Olive Oil Co., from Manteca, Calif.

PRODUCT: 15 1-gallon cans of olive oil at Clifton, N. J. Examination showed that the product was short of the declared volume.

LABEL, IN PART: "Scarlata Brand Pure California Olive Oil Net Contents One Gallon."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: July 9, 1945. A. Farrinella and Co., Clifton, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that each can be refilled to contain a full gallon, under the supervision of the Food and Drug Administration.

SPICES, FLAVORS, AND SEASONING MATERIALS

9161. Adulteration and misbranding of cinnamon, white pepper, paprika, and nutmeg. U. S. v. William G. Dean, alias John C. Rivers, (Sure-Rise Baking Powder Co.). Plea of guilty. Sentence, 30 days in jail. (F. D. C. No. 9671. Sample Nos. 17789-F, 17790-F, 19192-F, 44802-F to 44807-F, incl. 44812-F.)

INFORMATION FILED: May 3, 1945, Southern District of New York, against William G. Dean, alias John C. Rivers, trading as the Sure-Rise Baking Powder Co., New York, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of April 28, 1942, and February 2, 1943, from the State of New York into the State of New Jersey.

PRODUCT: Examination disclosed that each of the products consisted in part of a foreign starch; that the paprika also contained artificial color; and that the cinnamon, nutmeg, and one of the five shipments of pepper were short-weight.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), mixtures containing foreign starch had been substituted in whole or in part for cinnamon, white pepper, paprika, and nutmeg; and, Section 402 (b) (4), a foreign starch had been added to the products or mixed or packed with them so as to reduce their quality and strength. Further adulteration, Section 402 (b) (3), the article labeled "Paprika" was inferior to paprika and had been artificially colored in a manner whereby such inferiority was concealed.

Misbranding, Section 403 (a), the label statements, "Cinnamon," "White Pepper," "Pure White Pepper," "Pure Ground White Pepper," "Fancy Paprika," and "Nutmeg," were false and misleading; and the statement "1 Lb. Net," appearing on the can labels of the cinnamon, nutmeg, and one of the shipments of white pepper, was false and misleading since the cans contained less than 1 pound. Further misbranding. Section 403 (b), the articles were offered for sale under the names of other foods; Section 403 (c), the article labeled "Paprika" 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; Section 403 (e) (1), the cinnamon, paprika, nutmeg, and two of the shipments of the white pepper failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the cinnamon, nutmeg, and one of the shipments of white pepper failed to bear labels containing an accurate statement of the quantity of the contents; Section 403 (i) (2), the labels of the articles failed to bear the common