

28173. Adulteration and misbranding of food flavor. U. S. v. 2 Bottles of Root Beer Flavor. Default decree of condemnation and destruction. (F. & D. No. 41301. Sample Nos. 65446-C, 65447-C.)

This product contained about 50 percent of carbitol, a commercial solvent composed of a glycol and a glycol ether, poisons.

On December 31, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two bottles of root beer flavor at Berlin, N. J., alleging that the article had been shipped in interstate commerce on or about August 16 and November 15, 1937, by Whittle & Mutch, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whittle & Mutch Incorporated * * * Philadelphia, Pa."

It was alleged to be adulterated in that an article containing a poisonous substance, a glycol or glycol ether, or both, had been substituted in whole or in part for "Improved 'A' Root Beer Flavor," a food flavor, which the article purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statement "Improved 'A' Root Beer Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or glycol ether, or both, which are poisons; and in that it was offered for sale under the distinctive name of another article, a food flavor.

On February 17, 1938, no claimant having appeared, judgment of condemnation and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28174. Adulteration and misbranding of butter. U. S. v. 600 Cases and 50 Cases of Butter. Product released under bond to be reworked. (F. & D. Nos. 40500, 40538, 40549. Sample Nos. 53448-C, 53449-C, 53659-C, 53660-C.)

This product contained less than 80 percent of milk fat.

On September 27 and October 8, 1937, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 650 cases of butter at Mobile, Ala. On October 7, 1937, the libel filed on September 27 was amended. The libels alleged that the article had been shipped in interstate commerce in part on or about July 27, 1937, by the Yorkshire Creamery Co. from Bruce, Miss., and in part on or about August 16, 1937, by John Morrell & Co. from Memphis, Tenn., and that it was adulterated and misbranded in violation of the Food and Drugs Act. A portion was labeled: "Riverdale Brand Creamery Butter * * * Distributed by John Morrell & Co. General Offices Ottumwa, Iowa." The remainder was labeled: "Greer's Moo Girl Creamery Butter * * * Manufactured for Autry Greer & Sons Mobile, Ala."

Adulteration was alleged in substance in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter" was false and misleading and tended to deceive and mislead the purchaser since it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., of Memphis, Tenn., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released under bond conditioned that it should not be sold or disposed of until the milk-fat content had been raised to 80 percent.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28175. Adulteration of frozen strawberries. U. S. v. One Barrel of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40305. Sample No. 50807-C.)

This product was in part moldy.

On September 21, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of frozen strawberries at Spokane, Wash., alleging that the article was shipped from Portland, Oreg., in interstate commerce on or about September 9, 1937, by Frisbies