

The articles were alleged to be adulterated in that imitation lemon or lime juice consisting of an acid solution, artificial color, and citrus-peel oil containing little, or no, lemon or lime juice, had been mixed and packed therewith so as to reduce or lower their quality and strength and had been substituted wholly or in part for lemon juice and lime juice, which they purported to be; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Liquid-Pep Lime Mixer Full Strength * * * Natural Juice * * * A mixture of Selected Parts Found in Fresh Lime Juice * * * Certified by U. S. Dept. of Agriculture," and "Lime [or "Lemon"] Flavor * * * Use Like Lime [or "Lemon"] Juice," were false and misleading and tended to deceive and mislead the purchaser when applied to such articles; and in that they were imitations of other articles, lemon and lime juices.

On September 9, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28192. Adulteration and misbranding of macaroni products. U. S. v. Western Macaroni Manufacturing Co. Plea of guilty. Fine, \$43. (F. & D. No. 39745. Sample Nos. 31233-C, 31236-C, 31237-C.)

These products were adulterated, since they were made from hard wheat flour and were artificially colored with annato so as to simulate the appearance of products made from semolina. Some were misbranded since they were labeled "Semolina," and certain lots failed to bear on the label a statement of the quantity of the contents of the packages.

On September 11, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging shipment by the defendant between the dates of October 14 and November 28, 1936, from the State of Utah into the State of Montana of quantities of macaroni products that were adulterated and misbranded in violation of the Food and Drugs Act. Portions were labeled: "Macaroni [or "Spaghetti"] Carnation Brand Made With Hard Wheat Flour." The remainder were labeled: "Queen's Taste Made of Durum Semolina [or "A-1 Semolina" or "Semolina Products"]." Both brands were labeled further: "Western Macaroni Mfg. Company, Inc., Salt Lake City."

Both brands were alleged to be adulterated in that they were products inferior to macaroni products made of semolina or durum semolina, namely, products made of hard wheat flour other than semolina; and were artificially colored with a dye, annato, so as to simulate the appearance of macaroni products made from semolina or durum semolina, and in a manner whereby their inferiority to macaroni products made from semolina or durum semolina was concealed. The product labeled "Queen's Taste" was alleged to be adulterated further in that such artificially colored imitation macaroni products made of hard wheat flour had been substituted for articles made of semolina or durum semolina, which they purported to be.

Misbranding was alleged in the case of certain lots in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding of the Queen's Taste brand was alleged in that the statements, "Made of Durum Semolina," "A-1 Semolina," and "Semolina Products," variously borne on the packages, were false and misleading and were borne on the labels so as to deceive and mislead the purchaser since they represented that the articles were macaroni products made of semolina or durum semolina; whereas they were artificially colored products made of hard wheat flour other than semolina or durum semolina.

On November 8, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$43.

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

28193. Adulteration of canned tuna fish. U. S. v. 51 Cases and 545 Cases of Canned Tuna (and 1 other seizure action). Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. Nos. 39993, 39994, 40059, 40060, 40061. Sample Nos. 33582-C, 33583-C, 33586-C, 33587-C, 33588-C.)

This product was in part decomposed.

On July 24 and August 13, 1937, the United States attorney for the Northern District of Indiana, acting upon reports by the Secretary of Agriculture, filed

in the district court libels praying seizure and condemnation of 651 cases of canned tuna in various lots at Fort Wayne, Portland, and Bluffton, Ind., alleging that the article had been shipped in interstate commerce on or about May 10, 1937, by the Van Camp Sea Food Co., in part from San Diego and in part from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chicken of the Sea Brand California Select Tuna * * * Packed by Van Camp Sea Food Company, Inc. Main Office Terminal Island Los Angeles Harbor Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On August 11 and September 13, 1937, the Van Camp Sea Food Co., Inc., Terminal Island, Calif., having appeared as claimant and having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered. The product was released under bond conditioned that the decomposed portion be sorted out and destroyed.

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

28194. Misbranding of canned peas. U. S. v. 75 Cases of Canned Peas (and 2 other actions against the same product). Default decrees entered. Portion ordered delivered to charitable agencies; remainder condemned and destroyed. (F. & D. Nos. 39719, 39859, 40341. Sample Nos. 27126-C, 27310-C, 27311-C.)

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was sub-standard.

On June 11, June 14, and September 20, 1937, the United States attorneys for the District of New Jersey and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 100 cases of canned peas at Newark, N. J., and 49 cartons of canned peas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about March 23, May 8, and June 9, 1937, by D. E. Foote & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Our Leader [or "Foote's Best Brand"] Early June Peas Packed by D. E. Foote & Co., Incorporated, Baltimore, Maryland."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 26, 1937, no claimant having appeared for the property, the lots seized at Newark, N. J., were ordered delivered to charitable agencies and on the same date the lot seized at Brooklyn, N. Y., was condemned and ordered destroyed.

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

28195. Adulteration and misbranding of fruit flavors. U. S. v. 116 Dozen Bottles of Assorted Flavors. Default decree of condemnation and destruction. (F. & D. No. 39639. Sample Nos. 35084-C to 35089-C, incl.)

These products were imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice.

On May 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 dozen bottles of assorted flavors at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about April 16, 1937, from Brooklyn, N. Y., by Safe Owl Products, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Tasty-Ade Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor * * * Safe Owl Products, Inc. Brooklyn, N. Y."

The articles were alleged to be adulterated in that imitation fruit flavors consisting of tartaric-acid solutions, artificial colors, and artificial fruit flavors, containing little or no fruit juice, had been substituted for cherry, strawberry, raspberry, and grape flavors, which they purported to be.

They were alleged to be misbranded in that the statements, "Strawberry [or "Cherry," "Raspberry," or "Grape"] Flavor," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that