

28406. Adulteration of dried codfish. U. S. v. 24 Bundles of Dried Codfish. Consent decree of condemnation. Product released under bond. (F. & D. No. 41052. Sample No. 63455-C.)

This product was in part decomposed and putrid.

On December 9, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bundles of dried codfish at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 3, 1937, by Martin Gilbert from Squaw Harbor, Alaska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From Mr. Martin Gilbert."

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

On December 13, 1937, A. Bunzen, Seattle, Wash., having appeared as claimant and consented, judgment of condemnation and forfeiture was entered and it was ordered that the product be released to claimant under bond conditioned that it should not be disposed of in violation of the law.

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

28407. Adulteration and misbranding of lemon extract. U. S. v. 22 Cartons of Alleged Lemon Extract. Default decree of condemnation and destruction. (F. & D. No. 40959. Sample No. 57145-C.)

This product was a hydroalcoholic solution of a substance other than lemon oil that was represented to be pure lemon extract, and the quantity of contents was not declared in terms of liquid measure.

On November 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of alleged lemon extract at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, from Fort Sam Houston, San Antonio, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was originally shipped by the Plantation Extract Corporation from New York, N. Y., to Fort Sam Houston and was there rejected by the Army post. The article was labeled in part: (Bottle) "8 Oz. Pure Extract Lemon Tropical Extract Corp. New York"; (carton) "Contents 8 Ozs. Pure Extract Lemon Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated in that a hydroalcoholic solution of a substance other than lemon oil had been substituted wholly or in part for "Pure Extract Lemon," which the article purported to be.

Misbranding was alleged in that the statement "Pure Extract Lemon" was false and misleading and tended to deceive and mislead the purchaser; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of contents was ambiguous.

On December 17, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28408. Adulteration and misbranding of butter. U. S. v. 22 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 41367. Sample No. 63487-C.)

The product was deficient in milk fat.

On December 27, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1937 by Community Creamery from Missouli, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated 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.

It was alleged to be misbranded in that it was represented as butter, which representation was false and misleading, since it contained less than 80 percent of milk fat.

On December 28, 1937, Fred Madsen, trading as the Community Creamery, a corporation, appearing as claimant and consenting, judgment of condemnation

and forfeiture was entered. The property was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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

28409. Misbranding of Wood's Golden Syrup. U. S. v. 26 Cases of Wood's Golden Syrup. Consent decree entered. Product ordered released under bond to be relabeled. (F. & D. No. 40018. Sample No. 42167-C.)

The net weight of this product was found to be less than that declared, and its labeling also contained false and fraudulent curative and therapeutic claims.

On July 30, 1937, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cases of Wood's Golden Syrup at Woodstock, Va., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by Wood's Mince Meat Co. from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wood's Mince Meat Co., Baltimore, Md."

It was alleged to be misbranded in that the statement on the label, "Net Weight 2 lbs. 6 Oz.," was false and misleading and tended to deceive and mislead the purchaser as applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct. It was alleged to be misbranded further in that the statements, "Recommended to aid digestion. Syrup is recommended by medical science as an energy for the brain and a tissue builder," were false and fraudulent.

On August 20, 1937, Wood's Mince Meat Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled under the supervision of this Department.

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

28410. Adulteration of tomato puree. U. S. v. 160 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. No. 41062. Sample No. 49550-C.)

This product contained excessive mold.

On December 11, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by the Butterfield Canning Co. from Muncie, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sweetheart Tomato Puree Packed For Franklin MacVeagh and Co. Chicago, Illinois."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 28, 1937, the claimant having consented to the entry of a decree, judgment of condemnation, with order of destruction, was entered.

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

28411. Misbranding of canned peas. U. S. v. 1,000 Cases of Canned Peas. Product released under bond for relabeling. (F. & D. No. 41036. Sample No. 58008-C.)

This product was substandard because the peas were not immature and it was not labeled to indicate that it was substandard.

On or about December 9, 1937, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned peas at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 25, 1937, from Mount Airy, Md., by Burton Proctor & Son, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "USB4 Brand Early June Peas * * * Burton Proctor & Son Distributors Preston, Md., U. S. A."

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