

district court libels praying seizure and condemnation of 241 dozen bottles of assorted flavors at Passaic, N. J., and 175 dozen bottles of similar products at Newark, N. J., alleging that the articles had been shipped in interstate commerce on various dates between June 3, 1936, and December 6, 1937, from New York, N. Y., by the Sanitogeno Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Unici Distributori The Sanitogeno Co."; or "La Luna Extracts Co."

The articles were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for food flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered them injurious to health.

The articles were alleged to be misbranded in that the following statements on the labels and the designations of the various flavors, also borne on the labels, were false and misleading, and tended to deceive and mislead the purchaser when applied to articles containing a glycol, or a glycol ether, or both, poisons: "For Baking and Confectionery Use Only," "This Flavor is Used For Baking and Confectionery Only," "For Non-Alcoholic Beverages," "Estratti"; (various flavors) Rum, Anisette, Whiskey, Brandy, Cr. di Caffè, Cr. di Menta, Cognac, Rye, Crema di Cacao, Marsala, Gin, Anice, Menta, Gelsomino, Rosolio, Centerba, Strega, Vainiglia, Peach, Verdolino, Cannella, Kummel, Mandarino, Apricot, Benedettino, Vermouth, Anesone, Moschettieri, 4 Compari, Tutti Frutti, Latte di Vecchia, Rosa, Scotch, Arancio, Pineapple, Torrone, Caffè Sport, Banana, Liquore Klena, Mondorla, Mescolanza, Alkermes, Crema di Cioccolatta, Goccia d'Oro, Liquore dei Monaci, Sombrica, Ferrochina, Maraschino, Ertosa Gialla, Lemmec, Millefiori, Fragola, Ananas, Grappa, Certosa, Verde, Cherry, Liquore delle Alpi, Curacao, Papa Sista, Nocillo, Latte di Giovana, Menta Glaciale, Amaro Felsino, Scacciadiavoli, Limone, Certosa Gialla, Sambuca.

The articles were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, food flavors.

On March 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28582. Adulteration and misbranding of imitation wild cherry essence. U. S. v. 1 Bottle of Imitation Wild Cherry Essence. Default decree of condemnation and destruction. (F. & D. No. 41206. Sample No. 71238-C.)**

This product contained carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On December 22, 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 one bottle of imitation wild cherry essence at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 5, 1937, from Brooklyn, N. Y., by John N. Hickok & Son, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "J. N. Hickok & Son JNH Brand Imitation Super Wild Cherry Essence."

It was alleged to be adulterated in that a product containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for a food flavor, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered it injurious to health.

Misbranding was alleged in that the statement "Imitation Super Wild Cherry Essence" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article.

On January 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*