

the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons; and in that they were offered for sale under the distinctive names of other articles, food flavors.

On January 25, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28593. Misbranding of canned tomatoes. U. S. v. 638 Cases of Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41255. Sample No. 2667-C.)

This product was substandard because it was not normally colored and was not labeled to indicate that it was substandard.

On December 23, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 638 cases of tomatoes at Bessemer, Ala., alleging that the article had been shipped in interstate commerce on or about September 25, 1937, by Lewis Canning Co. from Tazewell, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bird Brand Hand Packed Tomatoes * * * Packed by J. S. Chittum, New Tazewell, Tenn."

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 in that the tomatoes were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On March 21, 1938, J. S. Chittum, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

28594. Adulteration of dried apricots. U. S. v. 56 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 41120. Sample No. 64009-C.)

This product was found to be insect-infested.

On December 16, 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 56 boxes of dried apricots at Fort George Wright, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1937, by Tiedemann & McMorran from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "June 1937 Apricots * * * Tiedemann & McMorran, S. F."

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

On February 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28595. Misbranding of canned peas. U. S. v. 240 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41121. Sample No. 65159-C.)

This product fell below the standard established by this Department, since the peas were not immature and excessive foreign material was present, and it was not labeled to indicate that it was substandard.

On December 15, 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 240 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by Thomas Roberts & Co. from Denton, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nuttle Brand Early June Peas Packed By Nuttle Canning Company Denton, Md."

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 it contained excessive foreign material, and its package or label did not bear a plain and conspicuous state-

ment prescribed by regulation of this Department indicating that it fell below such standard.

On February 1, 1938, Fred B. Nuttle, Denton, Md., having appeared as claimant for the Nuttle Canning Co., judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

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

28596. Adulteration and misbranding of orange flavor and imitation lemon and banana flavors. U. S. v. 1 Quart Bottle of Concentrated Imitation Lemon, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 41096, 41214. Sample Nos. 45291-C, 66434-C, 66435-C.)

The lemon and orange flavors contained about 60 percent and the banana flavor contained about 5 percent of carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On December 13 and 22, 1937, the United States attorneys for the District of Maryland and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of two bottles of flavors at Baltimore, Md., and one bottle of flavor at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 16 and September 27, 1937, by P. R. Dreyer, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The banana flavor was labeled in part: "P. R. Dreyer Inc. New York N. Y."

The articles were alleged to be adulterated in that substances containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for concentrated imitation lemon, concentrated orange flavor, and concentrated imitation banana flavor, which they purported to be. The lemon and orange flavors were alleged to be adulterated further in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, which might have rendered them injurious to health.

The articles were alleged to be misbranded in that the statements on the labels, "Conc. Imit. Lemon," "Conc. Orange Flavor," and "Concentrated Imitation Banana Flavor," 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. The banana flavor was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, concentrated imitation banana flavor, a food flavor.

On January 6 and 27, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28597. Adulteration and misbranding of Glyketone. U. S. v. 1 Bottle and 1 Bottle of Glyketone. Default decrees of condemnation and destruction. (F. & D. Nos. 41092, 41093. Sample Nos. 71222-C, 71227-C.)

This product consisted of a glycol or a glycol ether, or both, poisons.

On December 13, 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 libels praying seizure and condemnation of two bottles of Glyketone at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 15, 1937, by P. R. Dreyer, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "P. R. Dreyer, Inc., New York, N. Y., Glyketone."

It was alleged to be adulterated in that a glycol or a glycol ether, a poison, had been substituted in whole or in part for Glyketone, a food-flavor solvent, which it purported to be.

Misbranding was alleged in that the statement "Glyketone" was false and misleading and tended to deceive and mislead the purchaser when applied to a glycol or a glycol ether, a poison; and in that the article was sold under the distinctive name of another article, Glyketone, a food-flavor solvent.

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

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