

Misbranding was alleged with respect to all lots, with the exception of a few that were unlabeled at the time of seizure, in that the statements, "Solvent No. 1," "Solvent V," and "Solvent No. 1 Special," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to poisons unfit for use as food solvents.

All the products except one small lot of Solvent No. 1 were alleged to be misbranded in that they were sold or offered for sale under the distinctive names of other articles, Solvent No. 1, Solvent V, and Solvent No. 1 Special, food-flavor solvents.

On various dates between December 15, 1937, and May 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28627. Adulteration of grapefruit. U. S. v. 462 Boxes of Grapefruit. Consent decree of condemnation. Product ordered destroyed. (F. & D. No. 40100. Sample No. 9603-C.)

This product was in part damaged by drying.

On July 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 462 boxes of grapefruit at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 12, 1937, by Leo Tucker from Phoenix, Ariz., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Arizona Desert * * * Packed and Shipped by Southwest Fruit Growers', Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance; in that citrus fruit damaged by drying had been substituted in whole or in part for edible fruit, which it purported to be; and in that a valuable constituent, namely, juice, had been wholly or in part abstracted.

On August 9, 1937, Ralph Terkanian having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product might be taken down under bond for proper segregation under the supervision of this Department. Since it appeared that the product could not be reconditioned in accordance with the terms of the release bond, final decree was entered ordering its destruction and exonerating the bond upon payment of costs.

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

28628. Adulteration and misbranding of unflavored Jell-O. U. S. v. 10 Cases and 29 Cases of Unflavored Jell-O. Default decrees of condemnation and destruction. (F. & D. Nos. 39705, 39706. Sample Nos. 18993-C, 18994-C.)

This product was labeled to indicate that it was plain gelatin; whereas it consisted of gelatin, dextrose, and citric acid.

On June 9, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39 cases of unflavored Jell-O at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in part on or about March 31, 1936, by General Foods Sales Co., and in part on or about January 7, 1937, by General Foods Corporation, Jell-O Division, both shipments from Le Roy, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Unflavored Jell-O for all recipes calling for Plain Gelatin * * * Pure gelatin mixed with Cerelose (pure dextrose) and sodium citrate Jell-O Division of General Foods Corporation LeRoy, N. Y., Los Angeles, Cal."

It was alleged to be adulterated in that a mixture of gelatin, dextrose, and citric acid had been substituted in whole or in part for gelatin, which it purported to be.

It was alleged to be misbranded in that the following statements borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of gelatin, dextrose, and citric acid: (Package and carton) "Unflavored * * * Plain Gelatine"; (circular) "Foundation Recipe fruit jelly"; (envelope) "Unflavored * * * Plain Gelatine. This envelope holds the exact quantity of unflavored Jell-O for one pint of jelly."

On October 5, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28629. Adulteration and misbranding of butter. U. S. v. A. B. Winkley Cheese Co. Plea of guilty. Fine, \$55 and costs. (F. & D. No. 39848. Sample Nos. 33173-C, 33184-C, 33212-C.)

This product was deficient in milk fat.

On March 4, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the A. B. Winkley Cheese Co. a corporation, Seattle, Wash., alleging that on or about June 12 and May 15 and 21, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska, quantities of butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Red Rock Butter * * * Kraft-Phenix Cheese Corporation, * * * Kent, Washington."

It was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly for what it purported to be, namely, butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that the shipping cartons and the wrappers bore a statement regarding it, namely, "Red Rock Butter"; that it was not butter; that it was a product containing less than 80 percent by weight of milk fat; and that the statement aforesaid was false and misleading.

On April 4, 1938, a plea of guilty on behalf of the defendant was entered and the court imposed a fine of \$55.

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

28630. Adulteration of tomato catsup. U. S. v. 118 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 40643. Sample No. 62070-C.)

This product contained mold.

On November 3, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of tomato catsup at Dubois, Pa., alleging that the product had been shipped in interstate commerce on or about July 13 and September 23, 1937, by the Farm King Packing Corporation from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc. * * * Fredonia, N. Y."

The product was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 31, 1938, a default decree of condemnation, with order of destruction, was entered.

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

28631. Adulteration and misbranding of butter. U. S. v. Turner & Pease Co. Plea of guilty. Fine, \$65. (F. & D. No. 39820. Sample Nos. 33169-C, 33171-C, 33187-C, 33192-C, 33193-C, 33198-C, 36052-C, 36053-C.)

This article was deficient in milk fat.

On March 4, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Turner & Pease Co., a corporation, Seattle, Wash., alleging that on or about May 11, 14, 22, 27, and 28, and June 4, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Meadowbrook * * * Butter Turner & Pease Co., Inc., Seattle."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which it purported to be.