

The remaining lot of the product was alleged to be misbranded in that the statements "1 Lb. Net Weight" and "¼ Lb. Net Weight" were false and misleading and tended to deceive and mislead the purchaser. The said lot was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1937, Armour & Co. having appeared as claimant, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it be reworked to the legal standard, and be made to comply with the requirements of the law in all other respects.

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

28638. Adulteration and misbranding of Gly-Ketol and Solvex. U. S. v. 10 Gallons of Gly-Ketol (and 6 other seizure actions). Decrees of condemnation and destruction. (F. & D. Nos. 41068, 41177, 41195, 41253, 41280, 41312, 41372. Sample Nos. 30197-C, 44287-C, 50576-C, 55093-C, 58042-C, 58043-C, 58065-C, 60611-C.)

These cases involved solvents that consisted of a glycol or a glycol ether, or both, poisons.

On various dates between December 11, 1937, and January 11, 1938, seven United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 13½ gallons of Gly-Ketol and approximately 25 gallons of Solvex in various lots at New Orleans, La.; Richmond, Va.; Miami, Fla.; Salt Lake City, Utah; West Berlin, Mass.; Omaha, Nebr. The libels alleged that the articles had been shipped in interstate commerce on various dates between June 24 and November 30, 1937, from New York, N. Y.; Chicago, Ill.; or Los Angeles, Calif., by Dodge & Olcott Co., of New York, N. Y., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Dodge & Olcott Company * * * New York."

The articles were alleged to be adulterated in that a glycol or a glycol ether, or both, had been substituted in whole or in part for Solvex and Gly-Ketol, food-flavor solvents, which they purported to be.

All the products except one can of Solvex at Omaha, Nebr., were alleged to be misbranded in that the following statements, "Solvex," "Gly-Ketol," and (one lot of Solvex) "a non-alcoholic solvent for essential oils, vanillin, etc.," borne on the labels, were false and misleading when applied to poisons unfit for use as food solvents. All the products except one can of Solvex at Salt Lake City, Utah, were alleged to be misbranded further in that they were sold or offered for sale under the distinctive names of other articles, Solvex and Gly-Ketol, food-flavor solvents.

On various dates between January 12 and March 28, 1938, the claimant for the can of Solvex at Omaha, Nebr., having consented to the entry of a decree, and no claim having been made for the remaining lots, judgments of condemnation were entered and the products were ordered destroyed.

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

28639. Adulteration and misbranding of imitation flavors. U. S. v. 2 Bottles of Imitation Wild Cherry and Imitation Apricot Flavors (and four other seizure actions against similar products). Default decree of condemnation and destruction. (F. & D. Nos. 41002, 41003, 41004, 41202, 41250, 41251, 41252, 41348. Sample Nos. 47674-C, 48785-C, 71207-C, 71208-C, 71209-C, 71235-C, 71236-C, 71237-C.)

These cases involved imitation flavors which consisted in large part of a glycol, or a glycol ether, or both, poisons.

Between the dates of December 4, 1937, and January 7, 1938, three United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 5 gallons and 3 pints of imitation flavors, in various lots, at Indianapolis, Ind., Philadelphia, Pa., and Oklahoma City, Okla. The libels alleged that the articles had been shipped in interstate commerce on various dates between May 3 and November 17, 1937, from New York, N. Y., and Chicago, Ill., by Dodge & Olcott Co., of New York, N. Y., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Dodge & Olcott Company New York."

The articles were alleged to be adulterated 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 coconut, grapefruit-pineapple, passion fruit, quince-orange, and strawberry types were alleged to be adulterated further in that 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.

Misbranding was alleged in that the statements, "Imitation Wild Cherry [or "Apricot," "Raspberry," "Strawberry," or "Coconut"] Flavor," and "Imitation Grapefruit-Pineapple [or "Passion Fruit" or "quince-orange"]," borne on the labels, were false and misleading as applied to products containing a glycol, or a glycol ether, or both, poisons. The imitation coconut, grapefruit-pineapple, passion fruit, strawberry, and quince-orange flavors were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, food flavors.

On January 21, 22, and 31 and March 10, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28640. Adulteration and misbranding of flavors and imitation flavors. U. S. v. 1 Gallon of Flavor Compound Raspberry Imitation, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 40915, 40916, 40952, 41185, 41288, 41289, 41334, 41410, 41411. Sample Nos. 46691-C, 61505-C, 61506-C, 62841-C, 62842-C, 65567-C, 71248-C, 71249-C, 126-D, 127-D.)

These products consisted in large part of a glycol, or a glycol ether, or both, poisons.

Between November 23, 1937, and January 18, 1938, four United States attorneys, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of a total of 7 gallons of flavors and imitation flavors in various lots at Memphis, Tenn.; Lexington, N. C.; Pittsburgh and Philadelphia, Pa.; and Denver, Colo. The libels alleged that the articles had been shipped in interstate commerce between October 1 and December 1, 1937, from New York, N. Y., by Fritzsche Bros., Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Fritzsche Bros. Inc., New York."

The articles were alleged to be adulterated in that 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. All lots, with the exception of one lot of imitation wild cherry, were alleged to be adulterated further 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.

Misbranding was alleged in that the following statements 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: "Flavor Compound Raspberry Imitation," "Flavor Compound Strawberry Imitation," "Flavor Tutti Frutti Imitation," "Flavor Wild Cherry Imitation," "Flavor Compound * * * Wild Cherry," "Flavor Pineapple Imitation," "Flavor Passion Fruit Imitation," and "Flavor Root Beer Number 2." Certain lots were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, imitation wild cherry, tutti frutti, pineapple, passion fruit, and root beer flavors.

On various dates between January 4 and March 1, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28641. Misbranding of canned tomatoes. U. S. v. 98 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. No. 40298. Sample No. 7499-C.)

This product fell below the standard established by this Department because the fruit did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On or about September 19, 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 98 cases of canned tomatoes at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about August 3, 1937, by the Crockett Canning Co.