

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 "Cocoanut"] 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.