

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.

from Marshallberg, N. C., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Crockett Brand Tomatoes * * * Packed by The Crockett Canning Co. Main Office Baltimore, 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 fruit did not consist of whole or large pieces and its package or label did not bear a plain and conspicuous statement prescribed by the regulations of this Department indicating that it fell below such standard.

On March 31, 1938, the answer of the claimant having been withdrawn, judgment of condemnation was entered and the product was ordered destroyed.

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

28642. Misbranding of peanut butter. U. S. v. 240 Cases and 219 Cases of Peanut Butter. Decree of condemnation. Product released under bond for repacking. (F. & D. Nos. 40110, 40111, 40112. Sample No. 52244-C.)

Samples of this product were found to be short weight.

On August 12, 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 459 cases of peanut butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by the Old Reliable Peanut Co. from Suffolk, Va., and charging misbranding in violation of the Food and Drugs act as amended. The article was labeled in part: "Golden Tint Brand Peanut Butter, Old Reliable Peanut Co., Suffolk, Va., 12 ozs. [or "1 lb."] Net Weight."

It was alleged to be misbranded in that the statements "12 ozs. Net Weight" and "1 Lb. Net Weight" were false and misleading and tended to deceive and mislead purchasers when applied to a product that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated thereon was not correct.

On August 26, 1937, the Old Reliable Peanut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for repacking under the supervision of this Department.

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

28643. Adulteration and misbranding of canned shrimp. U. S. v. The Goodman & Beer Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39732. Sample No. 13884-C.)

This article was partly decomposed and was slack-filled.

On May 27, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Goodman & Beer Co., Inc., New Orleans, La., alleging that on or about January 18, 1937, the defendant had delivered for shipment from New Orleans, La., to the Republic of Cuba, a quantity of canned shrimp which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Barataria Brand Packed for export only Shrimp * * * Packed For Goodman & Beer Co., Inc."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture since it was slack-filled because of excessive headspace, and the label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture to the effect that it fell below such standard.

On February 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

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

28644. Adulteration of cabbage. U. S. v. Ernest H. Wilson. Plea of guilty. Fine, \$100. (F. & D. No. 39751. Sample No. 46326.)

This product contained lead and arsenic.

On August 16, 1937, the United States attorney for the District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Wilson, Hastings, Fla., alleging that