

lons of Glycocon AAA and 5 gallons of Glycocon S at Miami, Fla.; 9 gallons of Glycocon S at Union City, N. J.; 1 gallon of Glycocon AA at Petersburg, Va.; and 11 pints of Glycocon AAA at Newark, N. J. The libels alleged that the articles had been shipped in interstate commerce on various dates between January 12 and October 25, 1937, from New York, N. Y., by Glyco Products Co., Inc.; and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Glyco Products Co., Inc. New York, N. Y."

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-flavor solvents, which they purported to be. The product designated "Glycocon 2A" was alleged to be adulterated further in that it contained an added poisonous or deleterious ingredient, diethylene glycol, which might have rendered it injurious to health.

The articles, except one lot designated "Glycocon AA," were alleged to be misbranded in that the statements on their respective labels, "Glycocon 2A," "Glycocon S," and "Glycocon AAA," were false and misleading and tended to deceive and mislead the purchaser when applied to products consisting of or containing a glycol or a glycol ether, a poison. All lots were alleged to be misbranded in that they were sold under the distinctive names of other articles, "Glycocon 2A [or "S," "AAA," or "AA"]," food-flavor solvents.

On various dates between January 5 and March 23, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28673. Misbranding of canned cherries. U. S. v. 17 Cases of Pitted Red Cherries. Consent decree of condemnation. Product ordered delivered to charitable institution. (F. & D. No. 40438. Sample No. 39832-C.)

This product was substandard because it contained more than 1 cherry pit per 20 ounces of net contents, and it was not labeled to indicate that it was substandard.

On January 7, 1938, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of canned pitted red cherries at Laramie, Wyo., alleging that the article had been shipped in interstate commerce on or about September 4, 1937, from Denver, Colo., by the Morey Mercantile Co., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Band * * * Pitted Red Cherries Packed for and Fully Guaranteed by The Morey Mercantile Co. Colorado."

It was alleged to be misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and the cans did not bear labels with a plain and conspicuous statement showing that the food contained therein fell below such standard.

On February 16, 1938, the Morey Mercantile Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered with provision that the claimant might take the product down under bond for relabeling. On April 15, 1938, the product was ordered delivered to a charitable institution because of failure of the claimant to file release bond.

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

28674. Misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. No. 41735. Sample No. 16804-D.)

This product was below the grade declared on the label.

On February 9, 1938, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Cincinnati, Ohio, consigned about February 3, 1938, alleging that the article had been shipped in interstate commerce by Britton & Lowery from Monticello, Maine, and charging misbranding in violation of the Food and Drugs Act. The article was labeled: "Grade U. S. No. 1 B & L Brand Britton & Lowery * * * Monticello, Maine."

It was alleged to be misbranded in that the statement "Grade U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On February 24, 1938, Mandell Bros. having appeared as claimant, admitting the truth of the allegations and consenting, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of this Department.

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

28675. Adulteration and misbranding of maple butter compound. U. S. v. J. Roger Charbonneau and Joseph Charbonneau (New Bedford Specialty Co.). Pleas of guilty. Fines, \$20. (F. & D. No. 39813. Sample No. 20598-C.)

This product was represented to be home-made maple butter compound; whereas it was a compound of glucose, starch, sugar, and skim milk that contained little, if any, maple sugar.

On November 15, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Roger Charbonneau and Joseph Charbonneau, copartners, trading as New Bedford Specialty Co., New Bedford, Mass., alleging that on or about April 17, 1937, the defendants shipped from the State of Massachusetts into the State of Rhode Island a quantity of maple butter compound which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled in part: "Home Made Maple Butter Compound E. R. Jodoin, S. Manchester, Conn. * * * Contains milk, glucose, corn starch, cane sugar and maple flavoring."

The article was alleged to be adulterated in that a mixture of glucose, starch, sugar, and skim milk in which there was little, or no, maple sugar, had been substituted for home-made maple butter, which it purported to be; and in that it was inferior to home-made maple butter and had been mixed in a manner whereby its inferiority to home-made maple butter was concealed.

It was alleged to be misbranded in that the statements, "Home Made Maple Butter" and "E. R. Jodoin, S. Manchester, Conn.," borne on the packages containing it were false and misleading and were borne on the packages so as to deceive and mislead the purchaser in that they represented that the article consisted wholly of home-made maple butter, and that it was made by E. R. Jodoin, S. Manchester, Conn.; whereas it did not consist wholly of home-made maple butter but consisted of glucose, starch, sugar, and skim milk and contained little, if any, maple sugar; in that it had been made by the New Bedford Specialty Co., New Bedford, Mass.; and in that it was a product prepared in imitation of home-made maple butter, and was offered for sale and sold under the distinctive name of another product, home-made maple butter.

On March 29, 1938, a plea of guilty was entered on behalf of each of the defendants, and the court imposed a fine of \$10 on each.

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