

district court a libel praying seizure and condemnation of 11 quart bottles of food flavor at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 9, 1937, by the Flava Manufacturing Co. from Quincy, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Manufactured By Flava Mfg. Co., * * * Quincy, Illinois."

It was alleged to be adulterated in that an imitation vanilla flavor containing a glycol, a poison, had been substituted in whole or in part for vanilla, vanillin, and coumarin flavor, a food flavor, which it purported to be.

The article was alleged to be misbranded in that the statement "Vanilla, Vanillin and Coumarin Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation vanilla flavor containing a glycol, a poison; and in that the statement, "Containing Vanilla, Vanillin, Coumarin, Vegetable Gum and Chemically Pure Glycerin," was false and misleading since it implied that glycerin was the only solvent; whereas the article contained diethylene glycol, a poison. It was alleged to be misbranded further in that it was an imitation of another product, vanilla flavor.

On March 16, 1938, no claimant having appeared, judgment of condemnation, with order of destruction, was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

28782. Adulteration of canned tomato catsup. U. S. v. 20 Cases of Canned Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 41473. Sample No. 416-D.)

This product contained filth resulting from worm infestation.

On or about January 25, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of canned tomato catsup at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about January 7, 1938, by Val Vita Food Products, Inc., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Val Vita Brand Tomato Catsup * * * Val Vita Products, Inc., Fullerton, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 30, 1938, no claimant having appeared, judgment of condemnation, with order of destruction, was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

28783. Misbranding of canned peas. U. S. v. 387 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 41648. Sample No. 7606-D.)

This product was substandard since the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about February 7, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 387 cases of canned peas at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 17, 1937, from Baltimore, Md., by J. Langrall & Bros., Inc., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maryland Chief Brand Early June Peas * * * Packed by J. Langrall & Bro., Inc., 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 peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 23, 1938, J. Langrall & Bro., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

28784. Adulteration of candy. U. S. v. 5 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 41637. Sample No. 8994-D.)

This product was infested with insects and was also rancid.

On February 9, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the