

20319. Adulteration and misbranding of imitation lemon flavor. U.S. v. 17 Cases of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28912. Sample no. 642-A.)

This action involved shipments of quantities of imitation lemon flavor, which upon examination was found to be a worthless imitation having no flavor of lemon.

On September 14, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 cases of imitation lemon flavor remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce in part on or about July 3, and in part on or about July 16, 1932, by S. H. Tyler & Son, from San Francisco, Calif., to Tacoma, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "S. H. Tyler & Son, San Francisco, Cal."; (carton) "Taylor Brand Imitation Lemon artificially flavored and colored."

It was alleged in the libel that the article was adulterated in that a worthless product devoid of material flavor had been substituted for imitation lemon.

Misbranding was alleged for the reason that the statement "Imitation Lemon" was false and misleading and deceived and misled the purchaser, when applied to a worthless product practically devoid of flavoring value.

On October 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20320. Misbranding of butter. U.S. v. 725 Pounds, et al., of Butter. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. nos. 28904, 28905. Sample nos. 8505-A, 8506-A.)

These actions were based on the interstate shipment of quantities of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On August 26 and August 30, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 871 pounds of butter, remaining in the original unbroken packages at Pennbrook, a suburb of Harrisburg, Pa., alleging that the article had been shipped on or about August 13, 1932, by the Sugar Creek Creamery Co., from Evansville, Ind., to Pennbrook, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sugar Creek Butter Full Weight One Pound"; (wrapper on portion) "One Pound Net Weight."

It was alleged in the libels that the article was misbranded in that the correct net weight was not declared.

The Sugar Creek Creamery Co., Evansville, Ind., filed an answer admitting the allegations of the libel and petitioned release of the product under bond. On October 25, 1932, the cases having been consolidated into one cause of action, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department, and that it should not be sold or disposed of contrary to the laws of the United States or of any State, Territory, or District.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20321. Misbranding of canned red kidney beans, canned black-eyed peas, canned lima beans, and canned brown beans. U.S. v. 8¾ Cases of Red Kidney Beans, et al. Products ordered released under bond to be relabeled. (F. & D. nos. 28944, 28945, 28946, 28947. Sample nos. 2238-A, 2239-A, 2240-A, 2241-A.)

These actions involved the shipment of quantities of canned goods which were found to be short weight. Examination also showed that the lima beans and black-eyed peas had been prepared from soaked dry products.

On September 22, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying