21019. Adulteration and misbranding of cherry and grape extracts. U. S. v. Burtt N. Hickok and Daniel J. Honan (John N. Hickok & Son). Plea of guilty. Fine, $100. (F. & D. no. 29514. I. S. nos. 34070, 34071.)

This action was based on interstate shipments of products labeled as pure fruit extract, which were found to consist of slightly concentrated fruit extracts fortified with synthetic flavors.

On April 6, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Burtt N. Hickok and Daniel J. Honan, copartners trading as John N. Hickok & Son, Brooklyn, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 2 and March 18, 1932, from the State of New York into the State of New Jersey, of quantities of cherry extract and grape extract that were adulterated and misbranded. The articles were labeled in part: "J. N. Hickok & Son * * * Pure Fruit Cherry Extract Concentrated [or "Pure Fruit Grape Extract Genuine"]."

Adulteration of the cherry extract was alleged in the information for the reason that slightly concentrated cherry juice predominately flavored with benzaldehyde had been substituted for "Pure Fruit Cherry Extract Concentrated", which the article purported to be. Adulteration of the grape extract was alleged for the reason that slightly concentrated grape juice, predominately flavored with methyl anthranilate had been substituted for "Pure Fruit Grape Extract Genuine", which the article purported to be; and for the further reason that methyl anthranilate had been substituted for the article. Adulteration of both products was alleged for the further reason that artificial flavoring substances had been mixed with the articles in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Fruit Cherry Extract Concentrated" and "Pure Fruit Grape Extract Genuine", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of fruit extracts, whereas they contained added, undeclared synthetic flavors. Misbranding was alleged for the further reason that the articles were imitations of pure fruit cherry extract concentrated and genuine pure fruit grape extract, and were offered for sale under the distinctive names of said products.

On April 25, 1933, a plea of guilty to the information was entered by Daniel J. Honan, and the court imposed a fine of $100.

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

21020. Adulteration and misbranding of canned frozen mixed eggs. U. S. v. Belle Springs Creamery Co. Plea of guilty. Fine, $25. (F. & D. no. 29432. I. S. nos. 48128, 48129.)

This case was based on interstate shipments of canned frozen mixed eggs found to be in part decomposed and which were not labeled with a statement of the quantity of the contents.

On March 15, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Belle Springs Creamery Co., a corporation, Abilene, Kans., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 1 and December 9, 1931, from the State of Kansas into the State of Massachusetts, of quantities of canned frozen mixed eggs that were adulterated and misbranded. The article was unlabeled.

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

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