

153 $\frac{5}{8}$ dozen bottles of assorted flavors at Jersey City, N. J., alleging that the articles had been shipped in interstate commerce on various dates between October 31, 1936, and December 2, 1937, from Astoria, N. Y., and New York, N. Y., by Dellia Extract Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part variously: "Calico Chemical Co.—Astoria, L. I."; or "Sanitary Bakery * * * Jersey City, N. J."; or "Dellia Extract Co.—Astoria, L. I."

The articles were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for beverage flavors or food flavors, which they purported to be; and 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 statement on the labels, "For Non-Alcoholic Beverages" and the designation of the following various flavors, also borne 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: (Flavors) Anisette, Gin, Whiskey, Crema di Menta, Centerba, Cannella, Vermouth, Brandy, Cafe Sport, Rosolio, Scotch, Cognac, Rye, Verdolino, Rum, Anesone, Strega, Pineapple, Chartreuse Gialla, Chartreuse Verda, Fernet, Mandarin, Sambuco, Vainiglia, Nocille, Latte di Vecchia, Corfinio, Caffé Sport, Curacao, Mescolanza, Quattro Compari, Limone, Alkermes, Mandorla, Maraschini, Benedettino, Arancio, Marsala, Brandy, Banana. They were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles, beverage flavors and food flavors.

On February 4 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.*

28528. Adulteration of flour. U. S. v. 99 Bags, 200 Bags, and 29 Sacks of Flour. Default decrees of condemnation and destruction. (F. & D. Nos. 40890, 40895. Sample Nos. 58001-C, 58002-C.)

This product was weevil-infested.

On or about November 23, 1937, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 299 bags and 29 sacks of flour at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about June 12 and October 6, 1936, by Fisher Flouring Mills Co. from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fisher Boy Self-Rising Flour Manufactured for Kent Milling Co. Kent, Wash."; and "Fisher's Whole Wheat Flour Blend Extra Fine * * * Fisher Flouring Mills Company Portland Tacoma Seattle."

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

On January 7, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28529. Adulteration and misbranding of macaroni products. U. S. v. 34 Cases of Spaghetti, et al. Default decree of condemnation and destruction. (F. & D. No. 41072. Sample No. 50891-C.)

These products were artificially colored and contained little or no semolina.

On December 14, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of macaroni products at Boise, Idaho, alleging that the articles had been shipped in interstate commerce on or about August 27 and October 6, 1937, by the Seattle Macaroni Manufacturing Co. from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles, with the exception of one lot, were labeled: (Main label) "Tasty Chef Brand Italian Style * * * 100% Durum Semolina Pacific Coast Brands Exclusive Distributors Portland Seattle." The remaining lot was labeled: (Main label) "Tasty Chef Brand Italian Style * * * Fresh Egg Noodles"; (sticker) "Coiled Spaghetti."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

With the exception of one lot, they were alleged to be misbranded in that the statements "100% Durum Semolina" were false and misleading and tended to deceive and mislead the purchaser when applied to articles which contained little or no semolina. The lot labeled on the main label "Fresh Egg Noodles" and on the sticker "Coiled Spaghetti" was alleged to be misbranded in that the statement "Fresh Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to coiled spaghetti, which it purported to be.

On January 6, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28530. Adulteration of tomato puree. U. S. v. 198 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 41078. Sample No. 33936-C.)

This product contained excessive mold.

On December 11, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 18, 1937, by Ray Bros. & Noble Canning Co. from Hobbs, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunny Brand Tomato Puree * * * Distributors B. A. Railton Co., Chicago Milwaukee."

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

On January 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28531. Adulteration of tomato puree. U. S. v. 725 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. No. 41100. Sample No. 33935-C.)

This product contained excessive mold.

On December 15, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 725 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 18, 1937, by the Clamme Canning Co., from Hartford City, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Barco Brand Tomato Puree B. A. Railton Company Chicago Milwaukee."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On January 6, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

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

28532. Adulteration of currants. U. S. v. 20 Cases of Currants. Default decree of condemnation and destruction. (F. & D. No. 41134. Sample No. 60585-C.)

This product was insect-infested.

On December 17, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of currants at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about February 15, 1937, by Otzen Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Otzen's Recleaned Grecian Currants."

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

On January 29, 1938, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

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