

tended to deceive and mislead the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons; and in that they were offered for sale under the distinctive names of another articles, food flavors.

On March 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28547. Adulteration and misbranding of imitation flavors and Glyco-Ester. U. S. v. 5 Gallons of Imitation Flavors and 1 Can of Glyco-Ester. Default decree of condemnation and destruction. (F. & D. Nos. 41047, 41048, 41379. Sample Nos. 65152-C, 65153-C, 71066-C.)

The Glyco-Ester consisted entirely of diethylene glycol, a poison; and the imitation flavors also contained a poison—a glycol or a glycol ether.

On December 9, 1937, and January 11, 1938, the United States attorneys for the Eastern and the Middle Districts of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 5 gallons of imitation flavors at Philadelphia, Pa., and one can of Glycol-Ester at York, Pa. The libels alleged that the articles had been shipped in interstate commerce on or about October 29, 1937, from New York, N. Y., by Ross & Rowe, Inc.; and charged adulteration and misbranding in violation of the Food and Drugs Act. They were labeled in part: "Ross & Rowe, Inc. Sole Distributors New York."

The imitation flavors were alleged to be adulterated in that products containing a glycol or a glycol ether, a poison, had been substituted in whole or in part for imitation raspberry and strawberry flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, which might have rendered them injurious to health. They were alleged to be misbranded in that the statements "Flavors Raspberry [or "Strawberry"] imitation," 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, a poison.

The Glyco-Ester was alleged to be adulterated in that a poisonous substance, a glycol, had been substituted wholly or in part for Glyco-Ester, a food solvent, which it purported to be. It was alleged to be misbranded in that the statement "Glyco-Ester" on the label was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food solvent; and in that it was offered for sale under the distinctive name of another article, Glyco-Ester, a food-flavor solvent.

On January 21 and February 7, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28548. Adulteration and misbranding of beverage flavors. U. S. v. 55 Dozen and 66 Dozen Bottles of Assorted Flavors. Default decrees of condemnation and destruction. (F. & D. Nos. 41264, 41265. Sample Nos. 38468-C, 38470-C.)

The Anisone and maraschino types of these products contained carbitol, a solvent composed of a glycol or a glycol ether, or both, which are poisons.

On December 27, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 121 dozen bottles of assorted flavors at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about July 20, October 21, and November 21, 1937, from Brooklyn, N. Y., by Atlas Extracts Corporation, and charging adulteration and misbranding of certain varieties in violation of the Food and Drugs Act. The products charged to be adulterated and misbranded were labeled in part, respectively: "White Arrow Brand Anisone Flavor Atlas Extracts Corp., Brooklyn, N. Y."; and "L'Italiana Brand Maraschino Flavor Sole Distributors Jacob Kurtz & Son Co. Newark, N. J."

Adulteration was alleged in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for beverage 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 statements on the labels, "Anisone Flavor * * * For Non-Alcoholic Beverages For Confectioners Use" and "Maraschino Flavor," 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; and in that they were offered for sale under the distinctive names of other articles, beverage flavors.

On February 18, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28549. Adulteration and misbranding of assorted flavors. U. S. v. 45 Cases, 5 Dozen Bottles, and 40 Cases of Assorted Flavors. Default decrees of condemnation and destruction. (F. & D. Nos. 41355, 41449 to 41454, incl., 41461. Sample Nos. 65173-C, 65174-C, 65175-C, 65182-C, 65183-C, 65184-C, 65186-C, 65187-C, 65188-C, 75751-C, 75752-C, 75753-C.)

The grape, cherry, and raspberry varieties of these products were artificially flavored and colored acid solutions containing little or no fruit juices; and the other varieties contained from 6 to 10 percent of carbitol, composed of a glycol or a glycol ether, or both, poisons.

On January 6 and 17, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 85 cases and 5 dozen bottles of assorted flavors at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about May 10, July 27, and August 10 and 23, 1937, from Camden, N. J., by John Lecroy & Son, Camden, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Joy Drink * * * John Lecroy & Son, Camden, N. J."

The lemon, lemon-lime, and orange varieties were alleged to be adulterated in that products containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for fruit flavors, which they purported to be. The grape, cherry, and raspberry varieties were alleged to be adulterated in that artificially flavored and colored acid solutions, containing little or no fruit juice, had been substituted in whole or in part for the articles. Portions of the said grape, cherry, and raspberry varieties were alleged to be adulterated further in that they had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements, "Lemon Flavor," "Lemon-Lime Flavor," "Orange Flavor," "Grape Flavor," "Cherry Flavor," and "Raspberry Flavor" and the designs of raspberries, oranges, lemons, cherries, and grapes on a display carton enclosed in each case, were false and misleading and tended to deceive and mislead the purchaser when applied to lemon, lemon-lime, and orange flavors containing a glycol or a glycol ether, or both, poisons, and when applied to grape, cherry, and raspberry flavors, which were artificially flavored and colored acid solutions containing little or no fruit juices. The articles were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On February 2 and 18, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28550. Adulteration and misbranding of vanilla and imitation vanilla. U. S. v. 1 Keg of Vanilla and 1 Half-Barrel of Vanilla Imitation. Decrees of condemnation and destruction. (F. & D. Nos. 41546, 41571. Sample Nos. 808-D, 2456-D.)

These products contained poisons—about 25 percent of a mixture of diethylene glycol and ethers of diethylene glycol in the case of the vanilla, and about 23 percent of diethylene glycol in the case of the imitation vanilla.

On January 28, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one keg of vanilla at Atlanta, Ga. On February 1, 1938, a libel was filed against 1 half-barrel of imitation vanilla at Nebraska City, Nebr. The libels alleged that the articles had been shipped in interstate commerce on or about September 30, 1937, from Cleveland, Ohio, by the Zipp Manufacturing Co., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Zipp's Pure Vanilla [or "Vanilla Imitation"]."

The articles were alleged to be adulterated in that substances containing a glycol and both a glycol and glycol ethers, poisons, had been substituted in whole or in part for imitation vanilla and pure vanilla, respectively, which