

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

they purported to be; and in that they contained added poisonous ingredients, a glycol and both a glycol and glycol ethers, respectively, which might have rendered them injurious to health.

Misbranding was alleged in that the statements, "Pure Vanilla" and "Vanilla Imitation," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that contained poisons; and in that they were offered for sale under the distinctive names of other articles, Pure Vanilla and Vanilla Imitation.

On February 12 and 19, 1938, the claimant for the lot seized at Nebraska City, Nebr., having consented to the entry of a decree, and no claimant having appeared for the lot seized at Atlanta, Ga., judgments of condemnation were entered and the products were ordered destroyed.

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

**28551. Adulteration and misbranding of lemon flavor and banana flavor. U. S. v. 37 Bottles of Lemon Flavor and 35 Bottles of Banana Flavor. Default decree of condemnation and destruction. (F. & D. Nos. 41380, 41381. Sample Nos. 31572-C, 31573-C.)**

These products contained carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons. Moreover, the quantity of contents statement was inconspicuous.

On January 13, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of lemon and banana flavors at Tell City, Ind.; alleging that the articles had been shipped in interstate commerce on or about November 3, 1937, by the Huddy Product Co. from St. Louis, Mo., to Hardinsburg, Ky., and that they had been transported thence to Tell City, Ind.; and charging that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Huddy Product Co. St. Louis."

They 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 "Food Flavoring Lemon" and "Food Flavoring Banana," which they purported to be.

Misbranding was alleged in that the statements, "Food Flavoring Lemon [or "Banana"] For Pies Cakes Etc.," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing a glycol or a glycol ether, or both, poisons; in that they were offered for sale under the distinctive names of other products; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**28552. Adulteration and misbranding of assorted imitation flavors. U. S. v. 32 5/12 Dozen Bottles of Flavors, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 41472, 41541. Sample Nos. 7866-D, 7877-D, 7878-D.)**

Samples taken from each of the three lots of these products contained 20, 20, and 25 percent, respectively, of carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On January 19 and 26, 1938, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 48 dozen bottles of imitation flavors at Jersey City, N. J., and 36 1/6 dozen bottles of imitation flavors at Newark, N. J., alleging that the articles had been shipped in interstate commerce on various dates between March 8 and December 27, 1937, from New York, N. Y., by L'Italiana, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Confectionery and Bakery Specialties \* \* \* L'Italiana Extracts—New York [or "L'Italiana, Inc. New York"]."

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 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.