Misbranding was alleged in that the statement "Imitation Flavor" and the designation of the various flavors, 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, Whiskey, Rye, Rum, Crema di mandarino, Marsala, Rosolio, Tutti Fruitti, Verdolino, Crema di Cacao, Crema di Limone, Mistra, Flore Aleino, Anesone, Curacao, Benedettino, Crema di Arancio, Cannella, Crema di Banana, Torrone, Brandy, Cognac, Strega, Crema di Menta, Persico, Crema Mocha, Apricot, Stomatico, Liquore Elena, Gin, Fernet, Vermouth, Cherry, Latte di Vecchia, Caffe Sport, Nocillo, Maraschino, Mandorla Amara, Chartreuse, Gelsomino, Quattro Compari, and Vainiglia. Misbranding was alleged further in that the articles were offered for sale under the distinctive names of other articles, food flavors.

On 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.*

28553. Adulteration and misbranding of fruit flavors. U. S. v. 7 Gallons of Imitation Wild Cherry Essence and 1 Gallon of Grape Aroma. Default decree of condemnation and destruction. (F. & D. Nos. 40898, 40899. Sample Nos. 58232–C, 58233–C.)

These products contained approximately 50 percent of diethylene glycol monoethyl ether, a poison.

On or about November 23, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 gallon bottles of the above-named products at St. Joseph, Mo., alleging that the articles had been shipped in interstate commerce on or about October 27, 1937, by J. N. Hickok & Son from Jersey City, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "J. N. Hickok & Son * * * J. N. H. Brand * * * Brooklyn, N, Y."

The articles were alleged to be adulterated in that products containing diethylene glycol monoethyl ether, a poison, had been substituted in whole or in part for the said articles and in that they contained an added poisonous or deleterious ingredient, diethylene glycol monoethyl ether, which might have rendered them injurious to health.

They were alleged to be misbranded in that the statements on the labels, "Imitation Wild Cherry Essence Contains Esters, Volatile Oils, Vegetable Tincture and Cologne Spirits" and "Grape Aroma Contains Pure Fruit Extractions, Esters, Essential Oils and Alcohol," were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing diethylene glycol monoethyl ether.

On January 3, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28554. Adulteration and misbranding of imitation vanilla. U. S. v. 1 Bottle and 1 Bottle of Imitation Vanilla. Default decrees of condemnation and destruction. (F. & D. Nos. 41382, 41383. Sample Nos. 71260–C, 71261–C.)

These two lots of imitation vanilla flavor contained 20 and 25 percent, respectively, of diethylene glycol, a poison.

On January 12, 1938, 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 one bottle of imitation vanilla at Oaklyn, N. J., and one bottle of imitation vanilla at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about October 22 and November 27, 1937, from Philadelphia, Pa., by Baker's Merchandise Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Concentrated Imitation Vanilla Pennsylvania Extract Co. Inc. * * * Philadelphia, Pa."

It was alleged to be adulterated in that a product containing a poisonous substance, a glycol, had been substituted in whole or in part for concentrated imitation vanilla, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol, which might have rendered it injurious to health.

Misbranding was alleged in that the statement "Concentrated Imitation Vanilla" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol, a poison; and in that it was offered for sale under the distinctive name of another article, a food flavor.

On March 10, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28555. Adulteration and misbranding of lemon extract. U. S. v. 5 Cartons of Lemon Extract. Default decrees of condemnation and destruction. (F. & D. No. 41201. Sample No. 64008–C.)

This product was artificially colored and contained no lemon oil. It contained about 3.6 percent of commercial carbitol, composed of a glycol or a glycol ether, or both, poisons.

On December 21, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cartons of lemon extract at Fort George Wright, Wash., alleging that the article had been shipped in interstate commerce on or about November 24, 1937, from San Francisco, Calif., by West American Sales Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Lemon Extract * * * Packed for F and H Sales Company Distributors San Francisco, California."

It was alleged to be adulterated in that an artificially colored product containing no lemon oil, but which contained a glycol or glycol ether, or both, poisons, had been substituted in whole or in part for pure lemon extract, a food flavor, which it purported to be.

Misbranding was alleged in that the statement "Pure Lemon Extract" was false and misleading and tended to deceive and mislead the purchaser when applied to the article; and in that it was an imitation of and was offered for sale under the distinctive name of another article, pure lemon extract, a food flavor.

On February 2, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28556. Adulteration and misbranding of imitation vanilla flavor. U. S. v. 1 Keg of Imitation Vanilla Flavor (and 2 other seizures of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40891, 40906, 40908. Sample Nos. 48086–C, 48432–C, 48434–C.)

One lot of this product contained about 10 percent of diethylene glycol, a poison; the other two lots contained 12 percent and 20 percent, respectively, of diethylene glycol monoethyl ether, a poison.

On November 22 and 23, 1937, the United States attorneys for the District of Columbia and the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of one 5-gallon keg and one quart bottle of imitation vanilla flavor at Washington, D. C. and one gallon bottle of the product at Charles Town, W. Va. The libels alleged that the 5-gallon keg had been shipped by the H. L. Piel Co. from Baltimore, Md., into the District of Columbia on or about November 9, 1937; that the gallon bottle had been shipped by the H. L. Piel Co. from Baltimore, Md., into the State of West Virginia, on or about September 15, 1937, that the quart bottle was being offered for sale and sold in the District of Columbia in the possession of the Pennsylvania Avenue Cafe, Washington, D. C., and charged that the article was adulterated and misbranded in violation of the Food and Drugs Act. It was labeled in part: "Pielex * * * Imitation Vanilla Flavor * * * A Product of the H. L. Piel Co., Baltimore, Maryland."

One lot was alleged to be adulterated in that a poisonous substance, diethylene glycol, had been substituted in part for imitation vanilla flavor, an article sold for food use, which it purported to be; the other lots were alleged to be adulterated in that a product containing diethylene glycol monoethyl ether, a poison, had been substituted for imitation vanilla flavor, which the article purported to be. They were alleged to be adulterated further in that they contained an added poisonous or deleterious ingredient, which might have rendered them injurious to health.