

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.

All lots were alleged to be misbranded in that the statement borne on the label, "Imitation Vanilla Flavor," was false and misleading and tended to deceive and mislead the purchaser.

On January 5 and February 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28557. Adulteration and misbranding of imitation lemon flavor base. U. S. v. 11 One-gallon Bottles and 11 One-quart Bottles of Imitation Lemon Flavor Base. Default decree of condemnation. (F. & D. Nos. 41506, 41507. Sample Nos. 52338-C, 52339-C.)

The flavoring strength of this product was about one-tenth of that of a standard lemon extract.

On January 28, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 gallon and 11 quart bottles of imitation lemon flavor base at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about December 16, 1937, from Los Angeles, Calif., by the General Paper Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Superfine Imitation Lemon Flavor Base * * * General Paper Co."

It was alleged to be adulterated in that a worthless substance had been substituted in whole or in part for imitation lemon flavor base, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Imitation Lemon Flavor Base" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was practically flavorless; and in that it was offered for sale under the distinctive name of another article, "Imitation Lemon Flavor Base."

On February 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28558. Misbranding of blended lemon juice and orangeade grenadine. U. S. v. 20 Bottles of Blended Lemon Juice, et al. Default decree of condemnation and destruction. (F. & D. No. 41629. Sample Nos. 7702-D, 7703-D.)

These products were labeled to indicate that they were lemon juice and orangeade grenadine, respectively; whereas the former contained from 25 to 35 percent of lemon juice with added citric acid and the latter contained little, if any, fruit juice. Both contained sodium benzoate in excess of the amount declared.

On February 4, 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 a libel praying seizure and condemnation of 60 bottles of the products, hereinafter described, at Weehawken, N. J., alleging that they had been shipped in interstate commerce on or about December 24, 1937, from New York, N. Y., by the Original Sunkist Orangeade Sales Co., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Pure Blended Lemon Juice * * * [or "Sunkist Orangeade Grenadine"] * * * California Sunkist Products Co., New York, N. Y."

They were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles; and in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to blended lemon juice and orangeade grenadine, respectively (the former consisted of an imitation lemon juice containing from 25 to 35 percent of lemon juice with added citric acid, and the latter of an imitation orangeade grenadine containing little, if any, fruit juice, both of which contained 0.043 percent of sodium benzoate): "100% Pure * * * Lemon Juice * * * Contains * * * Natural Citric Acid Made From Fresh Lemons * * * Lemonade and Lemon Pies * * * Use * * * for all Lemon Juice Purposes; for * * * Lemon Pies Lemonade, * * * California Blend is 100% Pure * * * Contains 1/10 of 1% Sodium Benzoate * * * 'Our Label Speaks the Truth'"; and "Orangeade Grenadine Made from Sunkist Orangeade With three other fruit juices, * * * Contains * * * 1/10 of 1% Sodium of Benzoate."