

On March 23, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28559. Adulteration and misbranding of fruit mixer. U. S. v. 59 Jugs and 47 Jugs of Fruit Mixer Lemon. Default decrees of condemnation and destruction. (F. & D. Nos. 40652, 40653. Sample Nos. 33797-C, 33798-C.)

This product was labeled to convey the impression that it was lemon juice; whereas it consisted of a mixture of acid, water, citrus oil, artificial color, and about 7 percent of lemon juice. A portion also contained undeclared benzoate of soda and artificial color.

On November 3, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 106 jugs of fruit mixer at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 1 and 8, 1937, from Irvington, N. J., by Castle Products Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tomahawk Brand Cocktail Fruit Mixer Lemon * * * Castle Products, Inc., Newark, N. J."; or "Famous Brand Fruit Mixer Lemon * * * Famous Foods, Inc., Detroit, Mich."

It was alleged to be adulterated in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statements on the labels, (Tomahawk brand) "Lemon Use As Juice of Fresh Fruit," "Use whenever lemon juice is desired. Two tablespoons are equal to the juice of one lemon. Contains the juice of tree-ripened, California-squeezed lemons," and (Famous brand) "Lemon Use As Juice of Fresh Fruit * * * Fruit Juice," were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was pure lemon juice; and in that the article was an imitation of and was offered for sale under the distinctive name of another article, lemon juice. The Tomahawk brand was alleged to be misbranded further in that the statement of composition on the label, "Contains the juice of tree-ripened, California-squeezed lemons. Flavor, fruit acid, cert. color and 1/10 of 1% sodium benzoate added," was misleading since the article contained approximately 93 percent of water, which was not declared. The Famous brand was alleged to be misbranded further in that it was labeled so as to deceive the purchaser, since it contained added benzoate of soda and artificial color, the presence of which was not declared on the label.

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

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

28560. Misbranding of Lemon Flavored Squeeze and Orange Flavored Squeeze. U. S. v. 93 Cases of Lemon-Flavored Squeeze and 83 Cases of Orange Flavored Squeeze. Default decree of condemnation and destruction. (F. & D. No. 40417. Sample Nos. 58914-C, 58915-C.)

These products were labeled to indicate that they were fruitade bases; whereas they consisted essentially of sugar, citric acid, artificial color, and citrus-oil flavor, containing little, if any, fruit.

On October 2, 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 a libel praying seizure and condemnation of 176 cases of the hereinafter-described products at Camden, N. J., alleging that they had been shipped in interstate commerce on or about July 21 and August 10, 1937, from New York, N. Y., by General Desserts Corporation, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Distributed by Loyd's of America, Camden, N. J."

They were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles, lemon juice and orange juice; and in that the following statements and designs on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted essentially of sugar, citric acid, artificial color, and citrus-oil flavor with little, if any, fruit: "Lemon [or "Orange"] Flavored Squeeze * * * Made with pure dehydrated lemon [or "orange"] juice. Costs less than fresh fruit"; and the design of a lemon or orange dripping juice into a glass.

On April 26, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

28561. Adulteration of vanilla flavor. U. S. v. 23½ Dozen Bottles of Vanilla Flavor, et al. Default decree of condemnation and destruction. (F. & D. No. 41662. Sample 1036-D.)

This product was artificially flavored and colored and was so weak that it was practically worthless as a flavoring agent.

On February 11, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37½ dozen bottles of vanilla flavor at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about December 29, 1937, and January 13, 1938, from Boston, Mass., by the Outlet Merchandise Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lane Vanilla Flavor Distributed by Lane Products Boston, Mass."

The article was alleged to be adulterated in that a worthless substance having no flavoring value had been substituted in whole or in part for vanilla flavor, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

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

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

28562. Adulteration of shelled peanuts. U. S. v. 15 Bags and 7 Bags of Shelled Peanuts. Default decrees of condemnation and destruction. (F. & D. Nos. 41029, 41031. Sample Nos. 43446-C, 43448-C.)

This product was found to be dirty.

On December 7, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 22 bags of shelled peanuts at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 28, 1937, by the Donaldsonville Grain & Elevator Co. from Donaldsonville, Ga., and charging adulteration in violation of the Food and Drugs Act.

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

On January 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28563. Adulteration of shelled peanuts. U. S. v. 13 Bags and 12 Bags of Shelled Peanuts. Default decrees of condemnation and destruction. (F. & D. Nos. 40904, 41029. Sample Nos. 43447-C, 61236-C.)

This product was found to be dirty.

On November 23 and December 7, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 bags of shelled peanuts at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 3, 1937, by Barnhart & Pence from Valdosta, Ga., and charging adulteration in violation of the Food and Drugs Act.

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

On January 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28564. Adulteration of Brazil nuts. U. S. v. 29 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for separation and destruction of unfit portion. (F. & D. No. 41133. Sample No. 60594-C.)

This product was in part moldy and rancid.

On December 15, 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 29 bags of Brazil nuts at Salt