

28574. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41466. Sample No. 887-D.)

This product was below the grade declared on the label because of excessive grade defects consisting mostly of net necrosis.

On January 18, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce by Paul Jackins from Houlton, Maine, on or about January 8, 1938, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maine U. S. No. 1 Spudo Brand Potatoes Paul Jackins Houlton, Me."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On January 26, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution in order that the portion which was not decomposed might be used by such institution.

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

28575. Adulteration and misbranding of potatoes. U. S. v. 400 Sacks of Potatoes. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 41434. Sample No. 883-D.)

This product was below the grade declared on the label because of serious damage by net necrosis.

On January 14, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 sacks of potatoes at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 7, 1938, by W. C. Hand from Oakfield, Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. Grade No. 1 * * * Packed by W. C. Hand, New Limerick, Maine."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

It was alleged to be misbranded in that the statement "U. S. Grade No. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On January 31, 1938, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution in order that the potatoes which were not decomposed might be made use of by such institution.

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

28576. Adulteration and misbranding of Solvohol. U. S. v. 30 Gallons of Solvohol G. F. (and 12 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 41013, 41043, 41045, 41077, 41101, 41102, 41113, 41136, 41154, 41156, 41157, 41169, 41181. Sample Nos. 13973-C, 36778-C, 36779-C, 43449-C, 47591-C, 47701-C, 54359-C, 56722-C, 65076-C, 71196-C, 71226-C, 71231-C, 71301-C.)

These products were sold as food solvents. Analyses showed that they consisted in whole or in large part of a glycol or a glycol ether, or both, poisons.

On December 10, 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 a libel praying seizure and condemnation of 30 gallons of Solvohol G. F. at New Orleans, La. On various dates between December 9 and December 22, 1937, libels were filed against 153 gallons of Solvohol G. F., 18 gallons of Solvohol G, and 10 gallons of Solvohol A. 1., in various lots at Davenport, Iowa; New Orleans, La.; Atlantic City, N. J.; Cincinnati and Cleveland, Ohio; Louisville, Ky.; Birmingham, Ala.; Greenfield, Ind.; Atlanta, Ga.; Philadelphia, Pa.; and Jersey City, N. J. The libels alleged that the articles had been shipped in interstate commerce on various dates between May 12, 1936, and December 3, 1937, from Brooklyn, N. Y., by Felton Chemical Co., Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Solvohol G. F. [or "G" or "A. 1"] From Felton Chemical Co. * * * Brooklyn, New York."

The articles were alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for food-flavor solvents, which they purported to be.

All the articles except one unlabeled lot of Solvohol G. were alleged to be misbranded in that the statements, "Solvohol G. F.," "Solvohol A. 1.," and Solvohol G., borne on the labels, were false and misleading and tended to deceive and mislead the purchaser. All lots were alleged to be misbranded in that they were sold under the distinctive names of other articles, Solvohol G. F., Solvohol A. 1., and Solvohol G., food-flavor solvents.

On various dates between January 10 and April 20, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28577. Adulteration and misbranding of imitation vanilla flavor. U. S. v. 2 Jugs and 10 Cans of Vanilla Flavor Imitation. Default decrees of condemnation and destruction. (F. & D. Nos. 41051, 41127. Sample Nos. 57157-C, 65155-C.)

This product contained diethylene glycol, a poison.

On December 9 and 15, 1937, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 2 gallon jugs of imitation vanilla flavor at Philadelphia, Pa., and 10 pound cans of the product at Hoboken, N. J. The libels alleged that the article had been shipped in interstate commerce on or about August 16 and September 18, 1937, from Brooklyn, N. Y., by the Standard Specialty Sales Co., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Vanoyl Concentrated Vanilla Flavor Imitation."

It was alleged to be adulterated in that a product containing a glycol, a poison, had been substituted in whole or in part for a food flavor, 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.

It was alleged to be misbranded in that the statement, "Vanoyl Imitation Concentrated Vanilla Flavor," was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol, a poison. The libel filed in the District of New Jersey alleged that the article was misbranded further in that it was sold under the distinctive name of another article, a food flavor.

On January 21 and April 4, 1938, no claimant having appeared, judgments of condemnation were entered and the article was ordered destroyed.

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

28578. Adulteration and misbranding of food-flavor solvents. U. S. v. 1 Glass Jug and 1 Can of Sungam. Default decree of condemnation and destruction. (F. & D. No. 41438. Sample Nos. 721-D, 722-D.)

These products were sold as food solvents. One lot consisted of carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons; and the other consisted of diethylene glycol, a poison.

On or about January 22, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one glass jug and one can of food solvents at Jacksonville, Fla., alleging that the articles had been shipped in interstate commerce on or about September 11, 1937, from New York, N. Y., by Mangus, Mabee & Reynard, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. One lot was labeled in part: "Magnus, Mabee & Reynard * * * Sungam M. M. & R. V. V."

The articles were alleged to be adulterated in that a poisonous substance, a glycol, or a glycol ether, or both, had been substituted in whole or in part for food-flavor solvents, which they purported to be.

Misbranding was alleged with respect to one lot in that the statement "Sungam M. M. & R. V. V." was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent. Both lots were alleged to be misbranded in that they were offered for sale under the distinctive names of other articles, "Sungam M. M. & R." and "Sungam M. M. & R. V. V.," food-flavor solvents.

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

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