

28590. Adulteration and misbranding of Gly-Ketol. U. S. v. 3 Cans of Gly-Ketol. Default decree of condemnation and destruction. (F. & D. No. 41277. Sample No. 51683-C.)

This product was carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On December 30, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of Gly-Ketol at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 7, 1937, from Seattle, Wash., by Bush Products Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "W. J. Bush & Co. Incorporated New York Gly-Ketol California Works: National City, Cal."

It was 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 a food-flavor solvent, which it purported to be.

It was alleged to be misbranded in that the statement "Gly-Ketol" 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; and in that it was sold under the distinctive name of another article, a food-flavor solvent.

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

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

28591. Adulteration and misbranding of Glycohol Special. U. S. v. 28 Gallons of Glycohol Special. Default decree of condemnation and destruction. (F. & D. No. 41129. Sample No. 13975-C.)

This product was carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On December 22, 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 28 gallons of Glycohol Special at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 4, 1937, from New York, N. Y., by the International Extract Co., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was 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 Glycohol Special, a food-flavor solvent, which it purported to be.

Misbranding was alleged in that the article was offered for sale under the distinctive name of another article, Glycohol Special, a food-flavor solvent.

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

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

28592. Adulteration and misbranding of imitation flavors. U. S. v. 1 Bottle of Imitation Pineapple Flavor (and one other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41261, 41262, Sample Nos. 65564-C, 65565-C.)

These products contained from 60 to 80 percent of carbitol, a solvent composed of a glycol or a glycol ether, or both, poisons.

On December 27, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 bottles of imitation flavors at Pittsburgh, Pa., alleging that the articles had been shipped in interstate commerce on or about January 19 and September 15, 1937, from Cincinnati, Ohio, by Alex Fries Bro., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Fries Tru-Conomy Flavors * * * Pineapple 'F' [or 'Peach'] Imitation Ross and Rowe, Inc., New York, Chicago."

The articles 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 flavors, which they purported to be; and in that they contained an added poisonous ingredient, a glycol or a glycol ether, or both, which might have rendered them injurious to health.

They were alleged to be misbranded in that the statements "Pineapple 'F'" and "Peach" 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; and in that they were offered for sale under the distinctive names of other articles, food flavors.

On January 25, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28593. Misbranding of canned tomatoes. U. S. v. 638 Cases of Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41255. Sample No. 2667-C.)

This product was substandard because it was not normally colored and was not labeled to indicate that it was substandard.

On December 23, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 638 cases of tomatoes at Bessemer, Ala., alleging that the article had been shipped in interstate commerce on or about September 25, 1937, by Lewis Canning Co. from Tazewell, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blue Bird Brand Hand Packed Tomatoes * * * Packed by J. S. Chittum, New Tazewell, Tenn."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture in that the tomatoes were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On March 21, 1938, J. S. Chittum, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

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

28594. Adulteration of dried apricots. U. S. v. 56 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. No. 41120. Sample No. 64009-C.)

This product was found to be insect-infested.

On December 16, 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 56 boxes of dried apricots at Fort George Wright, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1937, by Tiedemann & McMorran from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "June 1937 Apricots * * * Tiedemann & McMorran, S. F."

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

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.*

28595. Misbranding of canned peas. U. S. v. 240 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41121. Sample No. 65159-C.)

This product fell below the standard established by this Department, since the peas were not immature and excessive foreign material was present, and it was not labeled to indicate that it was substandard.

On December 15, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 240 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 19, 1937, by Thomas Roberts & Co. from Denton, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nuttle Brand Early June Peas Packed By Nuttle Canning Company Denton, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature and it contained excessive foreign material, and its package or label did not bear a plain and conspicuous state-