

salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 24, 1936, by Libby, McNeill & Libby from Craig, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 28, 1938, Libby, McNeill & Libby, having appeared as claimant and having consented, judgment of condemnation and forfeiture was entered; and it was ordered that the property be released to the claimant under bond conditioned that the bad be separated from the good under the supervision of this Department, and that the product should not be disposed of in violation of the law.

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

28658. Adulteration of candy. U. S. v. 11 Boxes of Kandy Kones (and 3 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 40912, 40913, 40995, 41016. Sample Nos. 53552-C, 53553-C, 53570-C, 53571-C.)

These products were infested with insects.

On November 26 and December 2 and 10, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 boxes of candy at Kingsville and 24 boxes at Laredo, Tex., alleging that the articles had been shipped in interstate commerce on or about September 8 and 20 and October 28, 1937, from New Orleans, La., by the Pelican State Candy Co., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Kandy Kones [or "Ice Cream Cones," "Pussy Willow," or "Peco Squares"] * * * Pelican State Candy Co., New Orleans, La."

They were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

On January 7 and 25 and February 1, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28659. Adulteration of butter. U. S. v. 94 Tubs of Butter. Decree of condemnation and forfeiture. Product ordered released under bond to be reworked. (F. & D. No. 41802. Sample Nos. 2222-D, 2223-D.)

This product contained less than 80 percent of milk fat.

On February 4, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 tubs of butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 24, 1938, by Armour Creameries from Mitchell, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On February 19, 1938, Armour & Co. having appeared as claimant and having admitted all of the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product might be released to the claimant under bond conditioned that it be reworked so that it complied with the law.

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

28660. Adulteration and misbranding of oil. U. S. v. 676 Gallons of Oil. Consent decree of condemnation. Product released under bond for repacking and relabeling. (F. & D. No. 37531. Sample No. 61568-B.)

This product was represented to consist of cottonseed oil and olive oil; whereas it consisted chiefly of vegetable oils other than said oils and was artificially colored.

On April 6, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 676 gallons of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 11, 1936, by Vincent Buonocore from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Fine Oil Boncore Brand."

It was alleged to be adulterated in that vegetable oils other than olive oil or cottonseed oil had been mixed and packed with it so as to reduce or lower its quality or strength, and had been substituted in whole or in part for the article.

It was alleged to be misbranded in that the following statements appearing on the label were false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting chiefly of vegetable oils other than olive or cottonseed oil: (Main panels) "Eighty per cent cottonseed oil and twenty per cent olive oil"; (side panels) "* * * composed of eighty per cent cottonseed oil and twenty per cent olive oil." It was alleged to be misbranded further in that it was an imitation of olive oil, artificially colored and flavored, and was not so labeled.

On April 19, 1938, Vincent Buonocore, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be repacked and properly labeled.

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

28661. Adulteration and misbranding of imitation wild cherry flavor. U. S. v. 1 Bottle of Imitation Cherry Flavor (Wild). Default decree of condemnation and destruction. (F. & D. No. 41213. Sample No. 71242-C.)

This product contained about 60 percent of diethylene glycol, a poison.

On December 23, 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 one bottle of imitation wild cherry flavor at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 17, 1937, from New York, N. Y., by Florasynth Laboratories, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Florasynth Laboratories, Incorporated, New York."

It was alleged to be adulterated in that a product containing a glycol, a poison, had been substituted in whole or in part for "Imitation Cherry Flavor (Wild)," 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.

The article was alleged to be misbranded in that the statement "Imitation Cherry Flavor (Wild)" 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 January 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28662. Adulteration and misbranding of Gly-Ketol and Glyco-Ester. U. S. v. One 5-Gallon Can of Gly-Ketol (and 3 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 41124, 41135, 41314, 41486. Sample Nos. 51683-C, 71302-C, 71760-C, 1923-D.)

These products were composed of a glycol or a glycol ether, or both, poisons.

On December 15, 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 one 5-gallon can of Gly-Ketol at Birmingham, Ala. On December 17 and 31, 1937, and on or about January 24, 1938, libels were filed against 3 gallons of Gly-Ketol at Seattle, Wash.; 6½ pounds of Glyco-Ester at Scranton, Pa.; and 18½ pounds of Glyco-Ester at Indianapolis, Ind. The libels alleged that the articles had been shipped in interstate commerce on various dates between September 18 and December 14, 1937, in part by W. J. Bush & Co., from New York, N. Y., and Linden, N. J., and in part by W. J. Bush Citrus Products Co., from Oakland, Calif.; and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled: "W. J. Bush & Co. New York." One lot was labeled "W. J. Bush & Co. Incorporated New York * * * California Works National City, Cal."