

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."

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 Glyco-Ester and Gly-Ketol, food-flavor solvents, which they purported to be.

They were alleged to be misbranded in that the designations "Glyco-Ester" and "Gly-Ketol," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products unfit for use as food-flavor solvents. Misbranding was alleged further in that the articles were sold under the distinctive names of other articles, Glyco-Ester and Gly-Ketol, food-flavor solvents.

On January 20 and 26 and March 26, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28663. Adulteration and misbranding of canned prunes. U. S. v. 647 Cans and 497 Cans of Prunes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. & D. Nos. 41670, 41671. Sample Nos. 1857-D, 1858-D.)

This product was labeled "4÷1," a designation that indicates 4 parts of fruit to 1 part of dry sugar. It contained a smaller proportion of sugar than that indicated, and also added water.

On February 10, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,144 cans of prunes at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 28 and October 2, 1937, by the Sunshine Packing Corporation from Erie, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Prunes 4÷1 * * * Packed By Sunshine Packing Corp. North East, Pa."

It was alleged to be adulterated in that a substance containing less sugar than was indicated in the labeling, and added water, had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statement "4÷1" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing less than 20 percent of sugar, and containing added water.

On March 1, 1938, the libels having been consolidated, and the Sunshine Packing Corporation having appeared, having admitted the allegations contained in the libels, and having consented, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

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

28664. Adulteration of tomato paste. U. S. v. 700 Cases of Tomato Paste. Consent adjudication and decree sustaining the allegations of the libel. Property released under bond. (F. & D. No. 39050. Sample No. 6536-C.)

Samples of this product were found to contain filth resulting from worm infestation.

On February 5, 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 a libel praying seizure and condemnation of 700 cases of tomato paste at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about November 9, 1936, by Calliguria Food Products Corporation from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Vulcania Brand California Tomato Paste * * * Distributed by Calliguria Food Product Corp. Los Angeles, Calif."

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

On August 9, 1937, the Italian Food Products, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment was entered sustaining the said allegations, and ordering that the product be released under bond conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act.

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