

**29173. Adulteration and misbranding of imitation flavors. U. S. v. 52 Bottles, et al., of Imitation Flavors. Default decree of condemnation and destruction.** (F. & D. Nos. 41391 to 41398, incl. Sample Nos. 73055-C, 73057-C, 73058-C, 73060-C to 73064-C, incl.)

These products contained a glycol or a glycol ether, or both, poisons. In addition, one lot consisted of imitation lemon flavor that was not so labeled.

On January 17, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,331 bottles of imitation flavors at Mattoon, Ill., alleging that the articles had been shipped in interstate commerce on or about September 2, 1937, from Terre Haute, Ind., by Hulman & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Farmers Pride Brand or ["Crystal Brand"] \* \* \* Put Up by Hulman & Co., Terre Haute, Ind."

They were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, 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, poisons, which might have rendered them injurious to health.

Misbranding was alleged in that the following statements, "Strawberry Flavor," "Black Walnut Flavor," "Banana Flavor," "Cherry Flavor," "Raspberry Flavor," "Vanilla Composed of Vanilline and Coumarin, with Caramel Color," and "Lemon Flavor," borne on the labels of the respective products, were false and misleading and tended to deceive and mislead the purchaser when applied to food flavors containing poisons, and which in the case of the last-named was an imitation lemon flavor which was not labeled to show that it was an imitation.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29174. Misbranding of butter. U. S. v. Capitol Hill Creamery Co. Plea of guilty. Fine, \$25.** (F. & D. No. 40831. Sample No. 39836-C.)

This product was short weight.

On May 27, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Capitol Hill Creamery Co., a corporation, Denver, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 15, 1937, from the State of Colorado into the State of Wyoming of a quantity of butter that was misbranded. The article was labeled in part: "Capitol Hill Butter The Capitol Hill Creamery Co., Denver, Colo."

It was alleged to be misbranded in that the statement on the label, "One Pound," was false and misleading and was borne on the label so as to deceive and mislead the purchaser since it represented that each of the packages contained 1 pound of the article; whereas each of the packages did not contain 1 pound of the article but did contain a less amount.

On June 21, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29175. Adulteration and misbranding of imitation lemon flavor. U. S. v. 2 Bottles and 7 Bottles of Lemon Flavor Imitation. Default decree of condemnation and destruction.** (F. & D. No. 41182. Sample No. 57527-C.)

This product contained a glycol or a glycol ether, or both, poisons.

On December 20, 1937, 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 nine bottles of imitation lemon flavor at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about July 12, 1937, from Brooklyn, N. Y., by Standard Specialty Sales Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lemon Flavor Imitation \* \* \* Packed for Modern Bakers Supply \* \* \* Bridgeport, Conn."

Adulteration was alleged in that an article containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for imitation lemon flavor, a food flavor, which it purported to be.

It was alleged to be misbranded in that the statement "Lemon Flavoring Imitation" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, lemon flavor imitation, a food flavor.

On May 11, 1938, no claimant having appeared, a decree of condemnation was entered. On June 13, 1938, the decree was amended to order the product destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29176. Adulteration and misbranding of olive oil. U. S. v. 69 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 41316. Sample No. 65180-C.)**

This product was represented to be pure olive oil, but consisted in part of oils such as cottonseed and sesame oils.

On January 4, 1938, 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 69 cans of alleged olive oil at Camp Dix, N. J.; alleging that the article had been shipped in interstate commerce on or about November 2, 1937, from New York, N. Y., by West Tea & Coffee Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "West's Monterey Brand California Edible Olive Oil E. R. West Packer New York."

The article was alleged to be adulterated in that oils other than olive oil, of the nature of cottonseed and sesame oils, had been mixed and packed with it so as to reduce its quality or strength and had been substituted wholly or in part for olive oil, which it purported to be; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Olive Oil" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not pure olive oil; and in that it was offered for sale under the distinctive name of another article, olive oil.

On February 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29177. Adulteration and misbranding of Glycol No. 7. U. S. v. 1 $\frac{3}{16}$  Gallons of Glycol No. 7. Default decree of condemnation and destruction. (F. & D. No. 41407. Sample No. 1801-D.)**

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On January 12, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 $\frac{3}{16}$  gallons of Glycol No. 7 at San Antonio, Tex.; alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Cincinnati, Ohio, by Fries & Fries, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Glycol No. 7, Fries & Fries, Mfg. Chemists, Cincinnati, Ohio."

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 glycol No. 7, a food-flavor solvent, which it purported to be.

Misbranding was alleged in that the statement "Glycol No. 7" 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 offered for sale under the distinctive name of another article, "Glycol No. 7," a food-flavor solvent.

On May 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29178. Adulteration and misbranding of Kalcovan. U. S. v. 1 Bottle of Kalcovan. Default decree of condemnation and destruction. (F. & D. No. 41630. Sample No. 7599-D.)**

This product contained diethylene glycol, a poison.

On February 5, 1938, 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 one bottle of Kalcovan at