

29348. Misbranding of chocolate-flavored malted products. U. S. v. 259 Jars, 306 Jars, and 54 Tins of Chocolate-Flavored Malted Products. Default decree of condemnation and destruction. (F. & D. No. 42993. Sample Nos. 12036-D, 12037-D, 12038-D.)

These products were short of the declared weight. The product contained in the jars had not been subjected to the enzymic action of malt and therefore was not entitled to the name "malted."

On July 1, 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 259 jars, 306 jars, and 54 tins of chocolate-flavored malted products at West New York, N. J.; alleging that the articles had been shipped in interstate commerce on or about May 19 and June 7, 1938, by Gudy-Gudy Products Co., Inc. (from Brooklyn, N. Y.); and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled variously: "Larry's Certified Cho-Co-Malted * * * Gudy-Gudy Products Co., Inc."; "Larry's Improved Cho-Co-Malted * * * Larry's Pure Food Products Inc."; "Chocolate Flavored Malt Gudy-Gudy * * * Gudy-Gudy Prod. Co."

They were alleged to be misbranded in that the statements "Contents 20 Oz. Avd. [or "16 Ozs. Avd." or "16 Ozs. Net"]," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct and was not declared in terms of the largest unit. The product contained in the jars was alleged to be misbranded further in that the statement "Malted" was false and misleading and tended to deceive and mislead the purchaser when applied to articles which had not been subjected to the enzymic action of malt.

On August 9, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

29349. Adulteration and misbranding of Nebusol and Gly-Ketol. U. S. v. 70 Gallons and 250 Pounds of Nebusol (and 1 similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 41139, 41140, 41263. Sample Nos. 47599-C, 49560-C, 49561-C.)

These products consisted of a glycol or a glycol ether, or both, poisons.

On December 16 and 21, 1937, the United States attorneys for the Northern District of Illinois and the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 70 gallons and 250 pounds of Nebusol and 50 gallons of Gly-Ketol in various lots at Chicago, Ill., and Cincinnati, Ohio; alleging that the articles had been shipped in interstate commerce on October 22 and 29, and December 8, 1937, from New York, N. Y., by Fries Bros.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled variously: "Neumann-Buslee & Wolfe Inc. * * * Chicago Ill * * * Nebusol [or "Nebusol VC Type"]"; "Gly-Ketol * * * Fries Bros. N. Y."

They 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 in that the statements on the several labels, "Nebusol," "Nebusol VC Type," and "Gly-Ketol," were false and misleading and tended to deceive and mislead the purchaser as applied to poisons unfit for use as food-flavor solvents; and in that they were sold under the distinctive names of other articles, namely, food-flavor solvents.

On March 16 and 18, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

29350. Adulteration of canned crab meat. U. S. v. 419 Cases and 90 Cases of Canned Crab Meat. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 43217, 43218. Sample Nos. 36286-D, 36288-D.)

Samples of this product were found to be decomposed.

On August 5, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in