

37,656 International units of Vitamin A 47,500 International units of Vitamin D * * * I find there has been added to every 10-ounce can of V5, approximately: 88 grains of Peptonized Iron 280 grains Calcium (tribasic)," were false and misleading and tended to deceive and mislead the purchaser since the article contained less than 37,656 International Units of vitamin A, less than 47,500 International Units of vitamin D, and there had been added to every 10-ounce can less than 88 grains of peptonized iron and less than 280 grains of calcium (tribasic).

On October 31, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29631. Misbranding of Vancotone. U. S. v. 23 Quart Bottles and 10 Gallon Bottles of Imitation Vanilla Extract. Product released under bond for relabeling. (F. & D. No. 43636. Sample No. 15444-D.)

This product was an artificially colored imitation vanilla extract but was not labeled to show that it was an imitation.

On September 3, 1938, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 quart bottles and 10 gallon bottles of Vancotone (imitation vanilla extract); alleging that the article had been shipped on or about August 6 and August 23, 1938, by the Liquid Carbonic Corporation from Chicago, Ill.; and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement "Vancotone Combining Vanillin, Coumarin and Other Aromatics," borne on the labeling, was misleading and tended to deceive and mislead purchasers when applied to imitation vanilla extract. Misbranding was alleged further in that the article was an imitation and was offered for sale under the distinctive name of another article, namely, vanilla extract.

On October 17, 1938, the Liquid Carbonic Corporation, 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 relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

29632. Adulteration of canned salmon. U. S. v. 31 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. No. 43785. Sample Nos. 36047-D, 36049-D.)

This product was in part decomposed.

On September 8, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of canned salmon at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by the Red Salmon Canning Co., Ugashik, Alaska; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 18, 1938, the Red Salmon Canning Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

29633. Misbranding of chocolate-flavored malt and milk (or malted milk). U. S. v. 9 Dozen Cans of Chocolate-Flavored Malt and Milk (and one similar seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 43768, 43873. Sample Nos. 26489-D, 35683-D.)

Both of these products were labeled to indicate that they contained appreciable amounts of malted milk. Examination showed that one consisted chiefly of sugar, dextrose, powdered cocoa, and skimmed-milk solids with little, if any, malt solids or whole-milk solids; and that the other contained sugar and cocoa, and about 20 percent of malted milk.

On September 9 and September 14, 1938, the United States attorneys for the District of New Jersey and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 23 dozen cans of the above-named

products in part at North Arlington, N. J., and in part at Boston, Mass.; alleging that the articles had been shipped in interstate commerce from Brooklyn, N. Y., the former on or about June 2, 1938, in the name of Pyramid Malt Corporation, and the latter on or about June 8, 1938, in the name of Pyramid Malt Co.; and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Royal Banner Chocolate Flavored Malt and Milk [or "Malted Milk"] * * * Pyramid Malt Corporation, Brooklyn, N. Y."

Misbranding was alleged in that the following statements, (malt and milk) "Malt and Milk a Blend of * * * Malt and Milk Cocoa and Cane Sugar * * * Substitute for Tea or Coffee * * * Malt and Milk," and (malted milk) "Chocolate Flavored Malted Milk * * * a Blend of * * * Malted Milk Cocoa and Cane Sugar," borne on the labels, were false and misleading and tended to deceive and mislead purchasers when applied in the former instance to a product containing little, if any, whole-milk solids or little, if any, extractive matter from malt and, in the latter instance to a product containing cane sugar, dextrose, cocoa, and only 20 percent of malted milk.

On October 10 and October 31, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29634. Adulteration of tullibeas. U. S. v. 29 Boxes and 22 Boxes of Tullibeas. Default decrees of condemnation and destruction. (F. & D. Nos. 44206, 44207. Sample Nos. 13047-D, 13049-D.)

This product was infested with parasitic worms.

On October 5 and 10, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 boxes of tullibeas at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about October 1 and 4, 1938, by the Selvog Fish Co. from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in that the article consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On October 20 and 28, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29635. Adulteration and misbranding of horseradish. U. S. v. 17 Gallon Jars of Horseradish. Default decree of condemnation and destruction. (F. & D. No. 42992. Sample No. 25475-D.)

This product was represented to be horseradish, but in fact consisted of foreign plant tissue, principally parsnip, with no horseradish tissue present. Furthermore, the quantity of contents was not declared.

On or about June 29, 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 17 gallon jars of horseradish at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about June 7, 1938, by New Jersey Empire Pickle Works, Inc., from Newark, N. J.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was unlabeled.

Adulteration was alleged in that a substance consisting principally of ground parsnips and containing no horseradish tissue had been substituted wholly or in part for horseradish. Misbranding was alleged in that the article was offered for sale under the distinctive name of another article, namely, horseradish. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package.

On October 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*