

20323. Adulteration and misbranding of vanillin flavoring. U.S. v. 104 Cases of Vanillin Flavoring. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28412. Sample no. 9603-A.)

This action was based on the shipment of a quantity of vanillin flavoring which was found to be an artificially colored imitation vanilla extract.

On or about June 20, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 104 cases of vanillin flavoring, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 25, 1932, by the American Stores Co., from Philadelphia, Pa., to Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Diamond Brand Vanillin Flavoring with Caramel * * * Distributed by American Stores Co., Philadelphia, Pa."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the product was an imitation of another article and was not so labeled.

On October 5, 1932, the American Stores Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of until relabeled so as to conform to the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20324. Adulteration of canned shrimp. U.S. v. 87 Cartons of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 27379. I.S. no. 13060. S. no. 5563.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On December 14, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 cartons of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., consigned by Devitt & Sons, New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 23, 1931, from New Orleans, La., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On October 26, 1932, by consent of the claimant, Devitt & Son Co., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20325. Adulteration of butter. U.S. v. Gilbert T. Guthrie (Aro Creamery Co.). Plea of guilty. Fine, \$25. (F. & D. no. 28094. I.S. no. 35257.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent of milk fat, the standard prescribed by Congress.

On June 20, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Gilbert T. Guthrie, trading as Aro Creamery Co., St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 29, 1931, from the State of Missouri into the State of Indiana, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

On October 27, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*