

27624. Adulteration of canned tomato puree. U. S. v. 913 Cases and 996 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. Nos. 39422, 39431. Sample Nos. 33260-C, 33261-C.)

This product contained excessive mold.

On April 27, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,909 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 10 and March 31, 1937, by the Oconomowac Canning Co. from Sun Prairie, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Barco Brand Tomato Puree Distributors B. A. Rallton Co. Chicago."

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

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27625. Adulteration of bran. U. S. v. 217 Sacks of Bran. Default decree of condemnation and destruction. (F. & D. No. 39647. Sample No. 26562-C.)

This product was decomposed, discolored, caked, and moldy.

On May 24, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 217 sacks of bran at Woodhaven, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Millville, N. Y., by P. A. Barry, of Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27626. Adulteration and misbranding of Beats All Punch-Ade and fruit-flavored sirups. U. S. v. 202 Bottles of Punch-Ade, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 39871, 39872, 39887 to 39893, incl. Sample Nos. 35216-C to 35222-C, incl., 37936-C, 37937-C.)

These products were labeled to convey the impression that they could be used as bases for fruitade. Examination showed that they were artificially colored acid solutions containing little or no fruit juices, and that some contained artificial flavor and others contained citrus-oil flavor. Certain lots were short in volume.

On June 17 and June 22, 1937, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 140 cartons of Punch-Ade and 65 cartons of fruit-flavored sirup at Newark, N. J., and 202 bottles of Punch-Ade at Philadelphia, Pa., consigned by Snow Crest, Inc., alleging that the articles had been shipped in interstate commerce on or about March 31 and May 3, 1937, from Salem, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The Punch-Ade was labeled in part: "Beats All Punch-Ade Cherry [or "Grape," "Lemon," "Lemon-Lime," "Orange," "Raspberry," or "Strawberry"] Flavor * * * Snow Crest, Salem, Mass." The remaining products were labeled in part: "Snow Crest Grape [or "Punch," "Raspberry," "Cherry," "Strawberry," "Lemon & Lime," or "Orange"] A pure fruit flavored sirup * * * Snow Crest Inc. Salem, Mass."

The various types of Punch-Ade were alleged to be adulterated in that artificially colored acid solutions and artificial flavors or citrus oil flavors containing little or no fruit juices, had been substituted wholly or in part for the articles. The fruit-flavored sirups were alleged to be adulterated in that artificially colored sirups containing acid, artificial flavors or citrus oil flavors and little or no fruit juices, had been substituted wholly or in part for the articles. All were alleged to be adulterated further in that they had been mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser

when applied to articles that contained little or no fruit juice: (Punch-Ade) "Punch-Ade * * * Cherry [or "Grape," "Lemon," "Lemon-Lime," "Orange," "Raspberry," or "Strawberry"] Flavor"; (sirups) "Grape [or "Punch," "Raspberry," "Cherry," "Strawberry," "Lemon & Lime," or "Orange"] * * * Pure Fruit Flavored." The sirup and a part of the Punch-Ade were alleged to be misbranded further in that they were imitations of other articles. Portions of the orange and raspberry Punch-Ade were alleged to be misbranded further in that the statement "Contents 3 Fl. Oz." on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was short in volume, and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since said statement was incorrect.

On July 21 and August 4, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

27627. Adulteration of maple sirup. U. S. v. 70 Drums of Maple Syrup. Decree ordering release of product under bond conditioned that it be deleaded. (F. & D. No. 39885. Sample No. 21135-C.)

This product contained lead in an amount which might have rendered it injurious to health.

On July 21, 1937, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 drums of maple sirup at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce on or about May 11, 1937, by A. B. Brown from Cincinnati, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 4, 1937, Earl J. Rogers, Cabot, Vt., having appeared as claimant and having admitted the allegation of the libel, judgment was entered ordering that the product be released under bond, conditioned that it be deleaded under the supervision of this Department, in order to remove the deleterious ingredient.

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

27628. Adulteration of dried figs. U. S. v. 393 Bags of Dried Figs. Consent decree of condemnation. Product released under bond to be disposed of for hog feed. (F. & D. No. 39894. Sample No. 31435-C.)

This product was moldy, sour, and insect-infested.

On June 23, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 bags of figs at Cincinnati, Ohio, consigned on or about March 15, 1937, alleging that the article had been shipped in interstate commerce by Rosenberg Bros. & Co. from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On July 20, 1937, Edward T. Klum & Son, Cincinnati, claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be used for hog feed.

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

27629. Adulteration of apple butter. U. S. v. 16 Cases, 19 Cases, and 28 Cases of Apple Butter. Default decrees of condemnation and destruction. (F. & D. Nos. 39898, 39899, 39900. Sample No. 30787-C.)

This product contained filth resulting from worm and insect infestation.

On July 1, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 63 cases of apple butter at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 24, 1936, by Libby, McNeill & Libby from Manzanola, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans and jars) "Libby's Apple Butter * * * Libby McNeill and Libby Chicago."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.