

27781. Misbranding of Kold-Ade and Kool-Ade. U. S. v. 34 Dozen Bottles of Kold-Ade. Default decree of condemnation and destruction. (F. & D. No. 39981. Sample No. 27347-C.)

These products were labeled to convey the impression that they were fruit-ade bases; whereas the orange, lemon, and lime and lemon varieties were artificially colored fruit bases flavored with essential oils, and the remaining products were artificially flavored and artificially colored and contained little or no fruit juices.

On July 16, 1937, 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 34 dozen bottles of the products hereinafter described at Freehold, N. J., alleging that they had been shipped in interstate commerce on or about June 3, 1937, by the Drew Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled: "Kold-Ade [or "Kool-Ade"] * * * Prepared with Selected Citrus Fruit Oils, Certified Color, Citric Acid * * * Orange [or "Lemon & Lime" or "Lemon]." The remaining products were labeled: "Kold-Ade * * * Prepared with Concentrated Fruit Juice, Fruit Esters & Essential Oils Citric Acid, Certified Color * * * Raspberry [or "Pineapple," "Cherry," or "Grape]." All were labeled further: "Drew Corporation, Brooklyn, N. Y."

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 products that were imitation fruitade bases, of which all were artificially colored, a part were flavored with essential oils, and the remainder were artificially flavored and contained little or no fruit juice: "Kool-Ade * * * Orange [or "Lemon & Lime]"; "Kool-Ade * * * Lemon"; "Kold-Ade * * * Prepared With Concentrated Fruit Juice, * * * Raspberry [or "Pineapple," "Cherry," or "Grape]" were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

27782. Misbranding of canned peaches. U. S. v. 99 Cases of Yellow Cling Peaches. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39992. Sample No. 10790-C.)

This product fell below the standard for canned peaches established by this Department because it was water-packed, and it was not labeled to indicate that it was substandard.

On July 21, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned peaches at Philadelphia, Pa, alleging that the article had been shipped in interstate commerce on or about June 24, 1937, by the Calbear Canneries Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Milton Brand * * * Yellow Cling Peaches * * * Packed for M. I. Kimball & Co. Lawrence, Mass."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peaches were packed in water, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 9, 1937, the Calbear Canneries Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled.

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

27783. Misbranding of butter. U. S. v. 16 Cases of Print Butter. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40003. Sample No. 49412-C.)

This product was short weight.

On July 1, 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 16 cases of print butter at Elgin, Ill., alleging that the article had been shipped in interstate commerce

on or about June 24, 1937, by the Burlington Sanitary Milk Co. from Burlington, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Todson's Jersey Brand Butter * * * One Pound Net Weight * * * Packed for Todson's Creamery Elgin Illinois."

It was alleged to be misbranded in that the statement "One Pound Net Weight" was false and misleading and tended to deceive and mislead the purchaser, and in that it was 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.

On August 24, 1937, the Burlington Sanitary Milk Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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

27784. Adulteration and misbranding of Maple Maid. U. S. v. 48 Boxes of Instant Maple Maid. Default decree of condemnation and destruction. (F. & D. No. 40005. Sample No. 33730-C.)

This product was labeled to convey the impression that it was a maple concentrate; whereas it consisted of artificial flavor, corn sugar, and caramel, and it contained little or no maple product.

On July 23, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of Instant Maple Maid at Adrian, Mich., alleging that the article had been shipped in interstate commerce on or about October 19, 1936, by the Curtiss Candy Co. from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Instant Maple Maid For Syrup-Topping Fudge Frosting * * * Made by Miracle Jel, Incorporated, Chicago, Illinois."

It was alleged to be adulterated in that an imitation maple concentrate consisting of artificial flavor (fenugreek), corn sugar, and caramel, containing little or no maple product, had been substituted wholly or in part for maple concentrate, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the following statements and designs, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of artificial flavor, corn sugar, and caramel and contained little or no maple product: "[Design of a maple grove, sled, and sap tank] Maple Maid * * * Flavor of Maple Maid Syrup * * * Maple Maid Syrup * * * Maple Syrup * * * Maple Topping * * * Maple Milk Shake * * * Maple Maid Fudge * * * True Maple Flavor * * * Caramelized Maple Sugar." It was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article, namely, maple concentrate.

On September 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27785. Misbranding of Kold-Ade (assorted flavors). U. S. v. 22 Boxes of Kold-Ade. Default decree of condemnation and destruction. (F. & D. No. 40017. Sample Nos. 42953-C to 42960-C, incl.)

These products, with the exception of the root beer, were labeled to convey the impression that they were fruitade bases, whereas they were artificially colored and contained little or no fruit juice; some were flavored with citrus-oil flavors and the others with artificial flavors. The root beer was a nonsweetened root-beer concentrate and was represented to contain fruit juice and fruit esters.

On July 28, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 boxes, each containing 24 bottles of Kold-Ade, at Pittsburgh, Pa., alleging that they had been shipped in interstate commerce on or about May 28, 1937, by the Drew Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The orange, lemon, and lemon and lime were labeled: "Kold-Ade * * * Prepared With Selected Citrus Fruit Oils, Certified Color, Citric Acid * * * Orange [or "Lemon & Lime" or "Lemon"]." The remaining products were