

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