

28173. Adulteration and misbranding of food flavor. U. S. v. 2 Bottles of Root Beer Flavor. Default decree of condemnation and destruction. (F. & D. No. 41301. Sample Nos. 65446-C, 65447-C.)

This product contained about 50 percent of carbitol, a commercial solvent composed of a glycol and a glycol ether, poisons.

On December 31, 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 two bottles of root beer flavor at Berlin, N. J., alleging that the article had been shipped in interstate commerce on or about August 16 and November 15, 1937, by Whittle & Mutch, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whittle & Mutch Incorporated * * * Philadelphia, Pa."

It was alleged to be adulterated in that an article containing a poisonous substance, a glycol or glycol ether, or both, had been substituted in whole or in part for "Improved 'A' Root Beer Flavor," a food flavor, which the article purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered it injurious to health.

It was alleged to be misbranded in that the statement "Improved 'A' Root Beer Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or glycol ether, or both, which are poisons; and in that it was offered for sale under the distinctive name of another article, a food flavor.

On February 17, 1938, no claimant having appeared, judgment of condemnation and destruction was entered.

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

28174. Adulteration and misbranding of butter. U. S. v. 600 Cases and 50 Cases of Butter. Product released under bond to be reworked. (F. & D. Nos. 40500, 40538, 40549. Sample Nos. 53448-C, 53449-C, 53659-C, 53660-C.)

This product contained less than 80 percent of milk fat.

On September 27 and October 8, 1937, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 650 cases of butter at Mobile, Ala. On October 7, 1937, the libel filed on September 27 was amended. The libels alleged that the article had been shipped in interstate commerce in part on or about July 27, 1937, by the Yorkshire Creamery Co. from Bruce, Miss., and in part on or about August 16, 1937, by John Morrell & Co. from Memphis, Tenn., and that it was adulterated and misbranded in violation of the Food and Drugs Act. A portion was labeled: "Riverdale Brand Creamery Butter * * * Distributed by John Morrell & Co. General Offices Ottumwa, Iowa." The remainder was labeled: "Greer's Moo Girl Creamery Butter * * * Manufactured for Autry Greer & Sons Mobile, Ala."

Adulteration was alleged in substance in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

It was alleged to be misbranded in that the statement "Butter" was false and misleading and tended to deceive and mislead the purchaser since it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., of Memphis, Tenn., claimant, having admitted the allegations of the libels, judgments were entered ordering that the product be released under bond conditioned that it should not be sold or disposed of until the milk-fat content had been raised to 80 percent.

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

28175. Adulteration of frozen strawberries. U. S. v. One Barrel of Frozen Strawberries. Default decree of condemnation and destruction. (F. & D. No. 40305. Sample No. 50807-C.)

This product was in part moldy.

On September 21, 1937, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of frozen strawberries at Spokane, Wash., alleging that the article was shipped from Portland, Oreg., in interstate commerce on or about September 9, 1937, by Frisbies

Maple Sugar & Maple Syrup Co., and charging adulteration in violation of the Food and Drugs Act.

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

On November 18, 1937, no claimant having appeared, judgment of condemnation and order of destruction was entered.

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

28176. Adulteration of flour. U. S. v. 200 Sacks of Flour. Decree of condemnation. Product released under bond for segregation and denaturing of unfit portion. (F. & D. No. 40265. Sample No. 53343-C.)

This product was weevil-infested.

On September 9, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 27, 1937, by the G. B. R. Smith Milling Co. from Sherman, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "G. B. R. Smith Milling Co. Sherman Texas Challenge Flour."

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

On October 15, 1937, John E. Koerner & Co., New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad be separated from the good, if any, and that the former be denatured so that it could not be used for human consumption, but that it might be used as animal feed.

HARRY L. BROWN, *Acting Secretary of Agriculture*

28177. Misbranding of preserves. U. S. v. 6 Cases, et al., of Preserves. Decree of condemnation. Products released under bond to be relabeled. (F. & D. No. 40159. Sample Nos. 15747-C to 15750-C, incl., 43601-C.)

These products were short of the declared weights.

On or about August 23, 1937, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 266 cases of preserves at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 3 and 8, and July 2, 1937, by G. W. Bagwell from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The products were variously labeled in part: "G-W Preserves Apricot [or "Blackberry," "Peach," "Raspberry," or "Strawberry"] Net Wt. 16 Ozs. Packed By G. W. Bagwell Chattanooga, Tennessee."

The articles were alleged to be misbranded in that the statement "Net Wt. 16 Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; they were alleged to be misbranded further in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On October 4, 1937, G. W. Bagwell, having appeared as claimant, judgment of condemnation was entered ordering release of the products to claimant under bond conditioned that they be relabeled.

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

28178. Misbranding of canned tomatoes. U. S. v. 199 Cases of Tomatoes. Default decree of condemnation. Product delivered to a welfare agency. (F. & D. No. 40161. Sample No. 44029-C.)

This product was falsely branded as to the State in which it was manufactured.

On or about August 25, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of canned tomatoes at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, by Manatee Cannery, Inc., from Beaufort, S. C., and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: (Cans) "Pine Tree Brand * * * Tomatoes * * * packed by Manatee Cannery, Inc. Plant City Florida."

The article was alleged to be misbranded in that the statement "Packed By Manatee Cannery, Inc. Plant City Florida" was false and misleading when applied