

culture, filed in the district court libels praying seizure and condemnation of 498 cases of canned field peas with snaps at Sanford, Fla., and 62 cases of the product at Palatka, Fla., alleging that the article had been shipped in interstate commerce on or about July 20 and 24, 1937, from Mitchell, Ga., the former in the name of R. O. Kelley and the latter in the name of the R. O. Kelley Cannery, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kelley's Best \* \* \* Packed by R. O. Kelley Mitchell, Ga."

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

On December 2, 1937, and January 11, 1938, no claimant having appeared, judgments of condemnation and forfeiture, with orders of destruction, were entered.

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

**28510. Adulteration and misbranding of Raspberry Flow and misbranding of apricot juice. U. S. v. 35 Cases of Raspberry Flow (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 40515, 40516, 40712. Sample Nos. 10563-C, 41087-C, 41068-C.)**

The former of these products was labeled to indicate that it was fresh raspberry juice; whereas it consisted of an aqueous infusion of dried raspberries slightly sweetened; the latter was a diluted slightly sweetened apricot pulp and was labeled to indicate that it was pure apricot juice. The labeling of the latter was also objectionable because of false and fraudulent curative and therapeutic claims for the product and failure to declare the quantity of contents in a plain and conspicuous manner.

On or about October 20 and November 15, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 35 cases of Raspberry Flow and 170 cases of apricot juice at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about July 23 and October 21, 1937, from Los Angeles, Calif., by Pure Foods Corporation, and charging adulteration and misbranding of the former and misbranding of the latter in violation of the Food and Drugs Act as amended. The apricot juice was labeled in part: "Golden Flow Brand Pure Apricot Juice \* \* \* Contents 15 Fl. Oz." An attempt had been made to change the figure "15" in the quantity of contents statement to "12" by pencil, but the "15" was still conspicuous and the "12" illegible. The Raspberry Flow was labeled: "Golden Flow Brand Raspberry Flow." Both products were labeled further: "Pure Foods Corp. Los Angeles, California."

The Raspberry Flow was alleged to be adulterated in that a sweetened aqueous infusion of dried raspberries had been substituted for fresh raspberry juice, which it purported to be. It was alleged to be misbranded in that the statements, "Raspberry Flow \* \* \* The New Fruit Juice Beverage \* \* \* The juice and pulp of genuine raspberries—water-sweetened," and the design of fresh raspberries and juice flowing out of a cornucopia were false and misleading and tended to deceive and mislead the purchaser as applied to a sweetened aqueous infusion of dried raspberries.

The apricot juice was alleged to be misbranded in that the statement "Pure Apricot Juice" and the design of juice flowing out of a cornucopia into a glass were false and misleading and tended to deceive and mislead the purchaser as applied to apricot pulp containing added water and sugar; in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct; and in that statements appearing on the label, "creating vigor, vitality and digestion \* \* \* neutralizing body wear" were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On December 23, 1937, and January 7, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

**28511. Adulteration and misbranding of fruit flavors. U. S. v. 10 Cases, 7 Cases, and 28 Bottles of Lionel True Fruit Flavors. Default decrees of condemnation and destruction. (F. & D. Nos. 39982, 40024. Sample Nos. 20941-C, 20942-C, 21184-C, 21185-C, 21186-C.)**

These products were labeled to indicate that they were true fruit flavors, whereas they consisted of mixtures of artificially colored acid solutions and