

Mars Hill, Maine, and charging misbranding in violation of the Food and Drugs Act.

It was alleged to be misbranded in that the statement on the tag, "U. S. No. 1," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. Grade No. 1.

On February 26, 1938, Adelman & Gallupe having appeared as claimant, admitting the truth of the allegations and consenting, judgment of condemnation and forfeiture was entered, and it was ordered that the property be released under bond conditioned that it be relabeled: "Maine Potatoes Unclassified 100 Lbs."

W. R. GREGG, *Acting Secretary of Agriculture.*

**28625. Adulteration of Brazil nuts. U. S. v. 130 Bags of Brazil Nuts. Decree of condemnation. Product released under bond. (F. & D. No. 41186. Sample No. 66443-C.)**

This product was in part moldy and decomposed.

On December 18, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 bags of Brazil nuts at Baltimore Md., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from New York, N. Y., by Wm. A. Higgins & Co., Inc., 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 decomposed vegetable substance.

On January 19, 1938, the Great Atlantic & Pacific Tea Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28626. Adulteration and misbranding of Fritzbro Solvent. U. S. v. 1 Drum of Fritzbro Solvent V (and 43 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 40868, 40869, 40949, 41008, 41046, 41076, 41082, 41083, 41085, 41086, 41090, 41094, 41095, 41097, 41098, 41104, 41105, 41110, 41115, 41118, 41119, 41123, 41138, 41155, 41170, 41171, 41173, 41191, 41192, 41205, 41208, 41210, 41211, 41218, 41220, 41223, 41225 to 41228, incl., 41231, 41254, 41269, 41285, 41286, 41295, 41313, 41321. Sample Nos. 38472-C, 44286-C, 44292-C, 44295-C, 45041-C, 45259-C, 45837-C, 45838-C, 46653-C to 46656-C, incl., 46690-C, 47294-C, 47297-C, 47594-C, 47595-C, 48554-C, 48558-C, 48559-C, 48766-C, 50555-C, 50556-C, 51675-C, 52166-C, 52320-C, 52321-C, 53580-C, 54367-C, 55088-C, 55090-C, 55091-C, 55256-C, 55502-C, 60600-C, 60602-C, 60671-C, 60697-C, 61418-C, 65165-C, 65445-C, 69032-C, 71067-C, 71225-C, 71229-C, 71230-C, 71232-C, 71304-C, 71754-C, 73051-C.)**

The solvents identified as "No. 1" and "No. 1 Special" consisted of a poison—a glycol or a glycol ether, or both. That identified as "Solvent V" consisted of diethylene glycol, which also is a poison.

On various dates between November 18, 1937, and January 5, 1938, libels were filed in 23 United States district courts by the respective United States attorneys, acting upon reports by the Secretary of Agriculture, against a total of 1,177 pounds, and approximately 71 gallons of Solvent No. 1, 48¼ gallons of Solvent No. 1 Special, and 2,826 pounds and 118½ gallons of Solvent V in various lots at Philadelphia, Pittsburgh, Scranton, Harrisburg, and York, Pa.; Denver, Colo.; Atlanta and Macon, Ga.; Salt Lake City, Utah; San Francisco, Sunnyvale, and Los Angeles, Calif.; Somerville, Malden, and Foxboro, Mass.; Paterson and Bridgeton, N. J.; Houston, Tex.; New Orleans, La.; Tampa, Miami, and St. Petersburg, Fla.; Pawtucket, R. I.; Dayton and Cincinnati, Ohio; Cedar Rapids, Iowa; Seattle, Wash.; St. Louis and Kansas City, Mo.; Baltimore, Md.; Lincoln, Nebr.; and Birmingham, Ala. The libels alleged that the articles had been shipped in interstate commerce between March 9 and November 14, 1937, from New York, N. Y., by Fritzsche Bros., Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. Portions of the articles were labeled in part: "Fritzsche Brothers [or "Fritzsche Brothers, Inc."] New York."

They were alleged to be adulterated in that a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for Fritzbro Solvent No. 1, Fritzbro Solvent V, and Fritzbro Solvent No. 1 Special, food-flavor solvents, which they purported to be.

Misbranding was alleged with respect to all lots, with the exception of a few that were unlabeled at the time of seizure, in that the statements, "Solvent No. 1," "Solvent V," and "Solvent No. 1 Special," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to poisons unfit for use as food solvents.

All the products except one small lot of Solvent No. 1 were alleged to be misbranded in that they were sold or offered for sale under the distinctive names of other articles, Solvent No. 1, Solvent V, and Solvent No. 1 Special, food-flavor solvents.

On various dates between December 15, 1937, and May 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28627. Adulteration of grapefruit. U. S. v. 462 Boxes of Grapefruit. Consent decree of condemnation. Product ordered destroyed. (F. & D. No. 40100. Sample No. 9603-C.)**

This product was in part damaged by drying.

On July 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 462 boxes of grapefruit at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 12, 1937, by Leo Tucker from Phoenix, Ariz., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Arizona Desert \* \* \* Packed and Shipped by Southwest Fruit Growers', Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance; in that citrus fruit damaged by drying had been substituted in whole or in part for edible fruit, which it purported to be; and in that a valuable constituent, namely, juice, had been wholly or in part abstracted.

On August 9, 1937, Ralph Terkanian having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product might be taken down under bond for proper segregation under the supervision of this Department. Since it appeared that the product could not be reconditioned in accordance with the terms of the release bond, final decree was entered ordering its destruction and exonerating the bond upon payment of costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**28628. Adulteration and misbranding of unflavored Jell-O. U. S. v. 10 Cases and 29 Cases of Unflavored Jell-O. Default decrees of condemnation and destruction. (F. & D. Nos. 39705, 39706. Sample Nos. 18993-C, 18994-C.)**

This product was labeled to indicate that it was plain gelatin; whereas it consisted of gelatin, dextrose, and citric acid.

On June 9, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39 cases of unflavored Jell-O at St. Louis, Mo., alleging that the article had been shipped in interstate commerce in part on or about March 31, 1936, by General Foods Sales Co., and in part on or about January 7, 1937, by General Foods Corporation, Jell-O Division, both shipments from Le Roy, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Unflavored Jell-O for all recipes calling for Plain Gelatin \* \* \* Pure gelatin mixed with Cerelose (pure dextrose) and sodium citrate Jell-O Division of General Foods Corporation LeRoy, N. Y., Los Angeles, Cal."

It was alleged to be adulterated in that a mixture of gelatin, dextrose, and citric acid had been substituted in whole or in part for gelatin, which it purported to be.

It was alleged to be misbranded in that the following statements borne on the label were false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of gelatin, dextrose, and citric acid: (Package and carton) "Unflavored \* \* \* Plain Gelatine"; (circular) "Foundation Recipe fruit jelly"; (envelope) "Unflavored \* \* \* Plain Gelatine. This envelope holds the exact quantity of unflavored Jell-O for one pint of jelly."