

It was alleged to be misbranded in that the statement "Lemon Flavoring Imitation" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing a glycol or a glycol ether, or both, poisons; and in that it was offered for sale under the distinctive name of another article, lemon flavor imitation, a food flavor.

On May 11, 1938, no claimant having appeared, a decree of condemnation was entered. On June 13, 1938, the decree was amended to order the product destroyed.

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

29176. Adulteration and misbranding of olive oil. U. S. v. 69 Cans of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 41316. Sample No. 65180-C.)

This product was represented to be pure olive oil, but consisted in part of oils such as cottonseed and sesame oils.

On January 4, 1938, 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 69 cans of alleged olive oil at Camp Dix, N. J.; alleging that the article had been shipped in interstate commerce on or about November 2, 1937, from New York, N. Y., by West Tea & Coffee Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "West's Monterey Brand California Edible Olive Oil E. R. West Packer New York."

The article was alleged to be adulterated in that oils other than olive oil, of the nature of cottonseed and sesame oils, had been mixed and packed with it so as to reduce its quality or strength and had been substituted wholly or in part for olive oil, which it purported to be; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the statement "Olive Oil" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not pure olive oil; and in that it was offered for sale under the distinctive name of another article, olive oil.

On February 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29177. Adulteration and misbranding of Glycol No. 7. U. S. v. 1 $\frac{3}{16}$ Gallons of Glycol No. 7. Default decree of condemnation and destruction. (F. & D. No. 41407. Sample No. 1801-D.)

This product was commercial carbitol, a glycol or a glycol ether, or both, poisons.

On January 12, 1938, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 $\frac{3}{16}$ gallons of Glycol No. 7 at San Antonio, Tex.; alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Cincinnati, Ohio, by Fries & Fries, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Glycol No. 7, Fries & Fries, Mfg. Chemists, Cincinnati, Ohio."

It was alleged to be adulterated in that a poisonous substance, a glycol or a glycol ether, or both, had been substituted in whole or in part for glycol No. 7, a food-flavor solvent, which it purported to be.

Misbranding was alleged in that the statement "Glycol No. 7" was false and misleading and tended to deceive and mislead the purchaser when applied to a poison unfit for use as a food-flavor solvent; and in that it was offered for sale under the distinctive name of another article, "Glycol No. 7," a food-flavor solvent.

On May 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29178. Adulteration and misbranding of Kalcovan. U. S. v. 1 Bottle of Kalcovan. Default decree of condemnation and destruction. (F. & D. No. 41630. Sample No. 7599-D.)

This product contained diethylene glycol, a poison.

On February 5, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one bottle of Kalcovan at

Shelton, Conn.; alleging that the article had been shipped in interstate commerce on or about October 7, 1937, from New York, N. Y., by I. Kalfus Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kalco Brand Kalco-Van * * * I. Kalfus Co., Inc. * * * New York, N. Y."

It was alleged to be adulterated in that an imitation vanilla flavor containing a poisonous substance, a glycol, had been substituted in whole or in part for Kalcovan, a food flavor which it purported to be; and in that it contained an added poison or deleterious ingredient, a glycol, which might have rendered it injurious to health.

Misbranding was alleged in that the statement "Composed of Vanillin Coumarin Glycerine Solvent, Carmel Color" was false and misleading and tended to deceive and mislead the purchaser when applied to an imitation vanilla flavor containing a glycol, a poison, and also in that it implied that glycerin was the only solvent, whereas the article contained a glycol, a poison; and in that it was an imitation of another article, vanilla flavor.

On June 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29179. Adulteration of vanilla, orange, and lemon flavors; misbranding of imitation maple flavor. U. S. v. Certain Quantities of Flavorings. Default decree of condemnation and destruction. (F. & D. Nos. 42156 to 42159, incl. Sample Nos. 12281-D, 12282-D, 12283-D, 12285-D.)

The label on one of these products, imitation maple flavor, bore no declaration of the benzoate of soda and artificial color contained in the article. The other products were artificially flavored and colored solutions simulating the appearance of vanilla, orange, and lemon flavors, but possessing about one-fourth the flavoring strength of such products.

On April 14, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42½ dozen bottles of assorted flavors at Albany, N. Y.; alleging that the articles had been shipped in interstate commerce on or about January 13 and March 16, 1938, from Boston, Mass., by the Outlet Merchandise Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Distributed by or ["Packed for"] Lane Products Co., Boston, Mass."

The vanilla, orange, and lemon flavors were alleged to be adulterated in that artificially flavored and colored solutions having only about one-fourth the flavoring strength of vanilla flavor, orange flavor, and lemon flavor, had been substituted in whole or in part for the articles.

The imitation maple flavor was alleged to be misbranded in that it was labeled or branded so as to deceive the purchaser, since the presence of added benzoate of soda and artificial color was not declared on the label.

On June 11, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a public charitable institution.

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

29180. Adulteration of butter. U. S. v. 5 Cases of Butter, et al. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 43026. Sample Nos. 27821-D, 27822-D.)

This product contained less than 80 percent of milk fat.

On June 24, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of butter at National Stockyards, Ill.; alleging that the article had been shipped in interstate commerce on or about June 16, 1938, from Marshfield, Mo., by the Sugar Creek Creamery Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On June 29, 1938, the Sugar Creek Creamery Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

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