

Misbranding was alleged in that statements on the several labels were false and misleading and tended to deceive and mislead the purchaser when applied to articles which consisted: (In the case of the so-called vanilla) of an imitation vanilla containing vanillin, coumarin, and caramel coloring, little, if any, vanilla extract, and no alcohol, and containing diethylene glycol, a poison; in the case of the so-called lemon of an imitation lemon extract containing no lemon oil, artificially flavored with citral, artificially colored with a coal-tar dye, and with a flavoring strength of not over one-half that of lemon extract; and in the case of the Arovanilla of an imitation vanilla flavor containing a glycol, a poison.

Misbranding was alleged further in that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On April 14 and May 10, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

29346. Adulteration of cream. U. S. v. Two 5-Gallon Cans and Eight 10-Gallon Cans of Cream (and eight other seizure actions). Consent decrees of condemnation and destruction. (F. & D. Nos. 43073, 43074, 43150, 43155, 43156, 43181, 43335, 43336, 43516. Sample Nos. 31507-D, to 31512-D, incl., 31542-D, 31543-D, 31544-D.)

Samples of this product were found to be filthy or decomposed, or both.

On July 6, 7, 11, and 12 and August 11 and 12, 1938, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 5-gallon cans and 45 10-gallon cans of cream at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce within the period from on or about July 5, 1938, to on or about August 11, 1938, in various shipments by W. Johnson, Strasburg, Va.; D. M. Ketzler, Sharpsburg, Md.; M. K. Bowers, Charles Town, W. Va.; Luther Shroyer, Cecil, W. Va.; Geo. L. Miller, Grafton, W. Va.; L. R. Mason, Brunswick, Md.; Eldridge Dairy, Hagerstown, Md.; Zipf Hardware Co., St. Marys, W. Va.; J. W. Ayton, Gaithersburg, Md.; Upshur Dairy Prod., Buckhannon, W. Va.; M. White, Weston, W. Va.; Lyle Leichter, Cameron, W. Va.; Daisy Long, Cumberland, Md.; A. W. Helbig, Oakland, Md.; Terra Alta Creamery, Terra Alta, W. Va.; R. S. Unger, Berkeley Springs, W. Va.; G. W. Biggenbach, New Martinsville, W. Va.; C. E. Ziph, St. Marys, W. Va.; Will Way Farm, French, W. Va.; C. J. Luzader, Gilmer, W. Va.; E. J. Magaha, Brunswick, Md.; Fairmount Cream Station, Strasburg, Va., and Phillipi, Weston, Buckhannon, Ellenboro, Hancock, Berkeley Springs, and New Martinsville, W. Va.; T. L. Baughan, Columbia, Va.; J. W. Broadwater, Salem, W. Va.; W. L. Britton, Ellenboro, W. Va.; J. F. Mendenhall, Newport, Ohio; and L. E. Monroe, Salem, W. Va.; 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 filthy, putrid, or decomposed animal substance.

On July 6, 7, 11, and 12 and August 11 and 12, 1938, the consignee having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

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

29347. Adulteration of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 43025. Sample No. 18283-D.)

This product contained less than 80 percent of milk fat.

On June 23, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about June 19, 1938, by Douglas County Creamery from Roseburg, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated 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.

On August 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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