

The articles were labeled in part, variously: "Maull's Fancy Apple Butter;" "Somore Brand * * * Pure Apple Butter;" "Maull's Pure Vanilla Extract;" "Maull's Pure Lemon Extract 94 Per Cent Alcohol;" "Top Notch * * * Apple Cider Vinegar;" "Top Notch * * * Vinegar Apple Cider Reduced to 4% Acid Strength;" and were further labeled "Manufactured [or "Packed"] by L. Maull Co. Food Products Co., St. Louis, Mo."

It was alleged in the information that the articles were misbranded for the following reasons: The statement "Fancy Apple Butter" on the label of a portion of the apple butter was false and misleading, since it represented that the article was fancy apple butter, whereas it was not, but was a product made from dried apples and which contained undeclared artificial color and sodium benzoate; the statement "Pure Apple Butter" on the label of the remainder of the apple butter was false and misleading in that it represented that the article was pure apple butter, whereas it was not, but was an artificially colored product, which artificial color was undeclared; the statement "Pure Vanilla Extract" on the labels of the vanilla extract was false and misleading in that it represented that the article was pure vanilla extract, whereas it was not, but was a product containing vanillin, coumarin, and an artificial coloring substance, namely, caramel; the statements, "Pure Lemon Extract" and "94 Per Cent Alcohol," on the label of the lemon extract, were false and misleading in that they represented that the article was pure lemon extract and contained 94 per cent of alcohol; whereas it was not pure lemon extract, but was a dilute, terpeneless, imitation product deficient in citral and lemon oil and was artificially colored with an undeclared color, namely, tartrazine, it contained little if any lemon oil, it was not labeled to show that it was an imitation, and contained approximately 44.2 per cent of alcohol; the statements, "Apple Cider Vinegar" or "Vinegar Apple Cider," on the labels of the vinegar, and the further statement "Reduced to 4% Acid Strength" on the label of a portion thereof, were false and misleading in that they represented that the article was vinegar made from apple cider and that the acid strength of the said portion was 4 per cent; whereas the greater part of the said vinegar consisted principally or entirely of corn-sugar vinegar, and a portion consisted of a mixture of corn-sugar vinegar and water with an acid strength of less than 4 per cent. Misbranding was alleged for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser. Misbranding was alleged with respect to the said vanilla and lemon extracts for the further reason that they were imitations of other articles, and were not so labeled, and in that they were offered for sale under the distinctive names of other articles.

On April 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18260. Adulteration and misbranding of flavoring sirup. U. S. v. 5½ Dozen Bottles of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25787. I. S. No. 14034. S. No. 3685.)

Examination of samples of a flavoring sirup, known as Seven Fruits, from the shipment herein described having shown that the article was deficient in fruit juice and artificially flavored, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 6, 1931, the United States attorney filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 5½ dozen bottles of so-called Seven Fruits at Chicago, Ill., alleging that the article had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., September 27, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "None Genuine Without Signature of Julius Marcus Seven Fruits * * * Not Artificially Colored Not Artificially Flavored [pictorial design of various fruits, namely, oranges, lemon, pineapple, strawberries, raspberries, cherries, and plums] Julius Marcus Co. New York Detroit Chicago * * * Certificate of Quality. This is to certify that the contents of this bottle contains only the purest and best ingredients obtainable. Beware of imitators."

It was alleged in the libel that the article was adulterated in that a substance, namely, an imitation product of seven fruits, deficient in juice of the fruits shown on the label, and containing undeclared artificial flavor, had been mixed

and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article, namely, a product made from pineapple, orange, lemon, raspberry, plums, cherries, and strawberries, which it purported to be. Misbranding was alleged for the further reason that the statements, "Seven Fruits * * * 7 Fruits * * * Not Artificially Flavored. * * * Certificate of Quality This is to certify that the contents of this bottle contains only the purest and best ingredients obtainable. Beware of imitators * * * None Genuine without Signature of Julius Marcus," together with the pictorial design of various fruits, appearing on the label, were false and misleading in that the said statements and design represented that the article was a pure and genuine fruit product made exclusively from pineapple, orange, lemon, raspberries, strawberries, plums, and cherries, and was not artificially flavored; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure and genuine fruit product made exclusively from the said fruits and was not artificially flavored, whereas it was not, but was an imitation product, deficient in fruit juice and was artificially flavored.

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18261. Adulteration and misbranding of canned turnip greens. U. S. v. 180 Cases, et al., of Turnip Greens. Product ordered released under bond to be reconditioned. (F. & D. No. 25879. I. S. Nos. 17428, 17430, 17431. S. No. 4139.)

Samples of canned turnip greens from the shipments herein described having been found to be decomposed, and the labels of portions thereof having been found to contain unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about February 11, 1931, the United States attorney filed in the District court for the district aforesaid a libel praying seizure and condemnation of 240 cases of canned turnip greens, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., in part on or about July 2, 1930, and in part on or about September 29, 1930, and had been transported from the State of Georgia into the State of Mississippi, and charging adulteration of all of the said product, and misbranding of portions thereof, in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Georgia Belle Brand Fancy Quality Turnip Greens * * * Packed by Pomona Products Co., Griffin, Ga." Portions of the article were further labeled: "Eat Greens to insure Good Health."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed or putrid vegetable substance.

Misbranding was alleged with respect to portions of the article for the reason that the statement appearing on the can label, "Eat Greens to Insure Good Health," was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On April 22, 1931, the Pomona Products Co., Griffin, Ga., claimant, having admitted the allegations of the libel and having paid costs and executed a bond in the sum of \$500, conditioned that the product should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, a decree was entered ordering that the said product be released to the claimant to be relabeled and reconditioned subject to the supervision and inspection of this department. In carrying out the provisions of the decree the unfit portion of the product was destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18262. Adulteration of rabbits. U. S. v. 1 Barrel of Rabbits. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25878. I. S. No. 25375. S. No. 4131.)

Samples of rabbits from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.