

28507. Adulteration and misbranding of imitation rum flavor. U. S. v. Two 1-Gallon Jugs, et al., of Imitation Rum Flavor. Consent decree of condemnation and destruction. (F. & D. Nos. 41088, 41089. Sample Nos. 53230-C, 53231-C.)

This product contained ethylene glycol, a poison.

On or about December 17, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4¾ gallons of imitation rum flavor at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, by Charles Dennery, Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jugs) "Chas. Dennery Inc., * * * Imitation Rum Flavor, New Orleans, Dallas."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, ethylene glycol, which might have rendered it injurious to health; and in that a product containing ethylene glycol, a poison, had been substituted wholly or in part for the article.

It was alleged to be misbranded in that the label on the jug was false and misleading and tended to deceive and mislead the purchaser.

On December 28, 1937, Charles Dennery, Inc., having consented to the entry of a decree, the product was condemned and ordered destroyed.

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

28508. Adulteration and misbranding of tomato puree and misbranding of tomato sauce. U. S. v. 70 Cases of Tomato Puree and 146 Cases of Tomato Sauce. Decrees of condemnation. Products released under bond for relabeling. (F. & D. Nos. 40299, 40300. Sample Nos. 53415-C, 53416-C.)

The tomato puree was deficient in tomato solids and both products were short weight.

On September 20, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 cases of tomato puree and 146 cases of tomato sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 25 and August 25 and 27, 1937, from New Iberia, La., by B. F. Trappey's Sons, Inc., and charging adulteration and misbranding of the tomato puree and misbranding of the tomato sauce in violation of the Food and Drugs Act. The articles were labeled respectively: "Trappey's Shield Label Spanish Style Tomato Sauce * * * Contents 8 Ozs."; "Trappey's Shield Label Brand Tomato Puree * * * Contents 4¾ Oz." Both products were labeled: "B. F. Trappey's Sons, Inc., Lafayette, La."

The tomato puree was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which the article purported to be. It was alleged to be misbranded in that the statements "Tomato Puree * * * Puree di Pomodoro" were false and misleading and tended to deceive and mislead the purchaser as applied to an article deficient in tomato solids.

Both products were alleged to be misbranded in that the statements "Contents 4¾ Oz." and "Contents 8 Ozs.," borne on the cans, were false and misleading and tended to deceive and mislead the purchaser since the cans contained less than the amounts declared; and in that they were 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.

On January 26, 1938, B. F. Trappey's Sons, Inc., claimant, having admitted that the products were misbranded, judgments of condemnation were entered and the products were ordered released under bond conditioned that they be relabeled.

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

28509. Adulteration of canned field peas with snaps. U. S. v. 498 Cases of Canned Field Peas with Snaps (and one other seizure of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40604, 40677. Sample Nos. 43662-C, 43663-C.)

One lot of this product was infested with weevils, and the other lot was infested with larvae and affected with anthracnose.

On or about October 28 and November 17, 1937, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agri-