

commerce on or about October 30, 1937, by Torn & Glasser Co. from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On January 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28517. Adulteration of walnut meats and black walnuts. U. S. v. 63 Cases of Walnut Meats (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 40992, 41000, 41035. Sample Nos. 55235, 60579-C, 60583-C.)

Samples taken from the walnut meats were found to be wormy and moldy; and those taken from the black walnuts were found to be moldy, rancid, and decomposed.

On December 2, 3, and 9, 1937, the United States attorneys for the District of Utah and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 72 cases of walnut meats at Salt Lake City, Utah, and 124 bags of black walnuts at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about March 22, July 19, and October 19, 1937, by the L. Demartini Co. from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the walnut meats were labeled in part: "West Owl California Shelled Walnuts * * * Packed By The L. Demartini Co., San Francisco, Calif."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On January 29 and February 14, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28518. Adulteration and misbranding of olive oil. U. S. v. 9 Cases of Oil. Default decree of condemnation and destruction. (F. & D. No. 40989. Sample No. 65439-C.)

This product consisted of cottonseed oil with possibly some corn oil, but it was labeled to convey the impression that it was olive oil; and this impression was not corrected by the inconspicuous declaration "Corn Oil."

On December 1, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of oil at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 15, 1937, by P. Santo from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Gustosa Brand."

It was alleged to be adulterated in that a mixture of cottonseed oil and corn oil had been substituted wholly or in part for olive oil, which the labeling indicated it to be.

It was alleged to be misbranded in that the statements on the label, "Prodotto Garantito Olio Finissimo * * * Prodotto Garantito Extra Fine Oil," were misleading and tended to deceive and mislead the purchaser when applied to a mixture of cottonseed and corn oil, since to purchasers of Italian lineage the term "Olio" means olive oil, and this misleading impression was not corrected by the indistinct rubber stamp "Corn Oil" which appeared on one panel of the can.

On January 20, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28519. Adulteration and misbranding of vanilla flavor. U. S. v. 276 Bottles and 288 Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. & D. No. 41207. Sample No. 55258-C.)

This product was represented to be vanilla flavor; whereas it was an imitation vanilla flavor, artificially flavored and colored, which contained about 8 percent of isopropyl alcohol.

On December 22, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the dis-

district court a libel praying seizure and condemnation of 564 bottles of vanilla flavor at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 17, 1937, from Boston, Mass., by the Roma Extract Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Preferred Quality Products Vanilla Flavor * * * Distributed by Preferred Products Co. Providence, R. I."

The article was alleged to be adulterated in that an artificially flavored and colored product containing isopropyl alcohol had been substituted in whole or in part for vanilla flavor, which it purported to be.

Misbranding was alleged in that the statement "Vanilla Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to this article; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, "Vanilla Flavor."

On January 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28520. Adulteration and misbranding of imitation vanilla flavor. U. S. v. 10 Cases of Imitation Vanilla Flavor. Default decree of condemnation and destruction. (F. & D. No. 41063. Sample No. 57526-C.)

This product contained a poison—a glycol or a glycol ether, or both.

On or about December 10, 1937, 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 10 cases of imitation vanilla flavor at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 28, 1937, by Fred Fear & Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gold Medal Imitation Vanilla Flavor * * * Fred Fear & Co. Brooklyn, N. Y."

The article was alleged to be adulterated in that a substance containing a glycol or a glycol ether, a poison, had been substituted in whole or in part for imitation vanilla flavor, a food flavor, which it purported to be.

Misbranding was alleged in that the statement borne on the label, "Imitation Vanilla Flavor," was false and misleading and tended to deceive and mislead the purchaser as applied to the article; and in that it was offered for sale under the distinctive name of another article, imitation vanilla flavor.

On February 3, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28521. Adulteration and misbranding of vanilla flavoring compound. U. S. v. 78 Bottles of Flavoring Compound. Default decree of condemnation and destruction. (F. & D. No. 41266. Sample No. 21086-C.)

This product was an artificially colored and flavored imitation vanilla extract; and it contained approximately 5 percent of carbitol, a solvent composed of a poison—a glycol or a glycol ether, or both.

On December 27, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 bottles of flavoring compound at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about November 6, 1937, from Pawtucket, R. I., by Tyler Products Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Flavoring Compound * * * Distributed By The Cunningham Tea Company Worcester, Mass."

It was alleged to be adulterated in that imitation vanilla extract, containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for flavoring compound, a food flavor, which the article purported to be.

Misbranding was alleged in that the statements, "Flavoring Compound" and "For Flavoring Ice Cream, Puddings, Cakes, Sauces, Etc.," were false and misleading and tended to deceive and mislead the purchaser as applied to an imitation vanilla extract containing a glycol or glycol ether, or both, poisons; and in that it was an imitation of another article, vanilla extract.

On January 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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