

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.*