28522. Adulteration and misbranding of imitation toffee flavor. U. S. v. One Gallon Bottle of Toffee Flavor, Imitation. Default decree of condemnation and destruction. (F. & D. No. 41527. Sample No. 9225–D.)

This product contained about 50 percent of carbitol, a solvent composed of a poison, namely, a glycol or a glycol ether, or both.

On January 25, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gallon bottle of imitation toffee flavor at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, from Long Island City, N. Y., by Polak's Frutal Works, Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Polak's Frutal Works, Amersfoort, Holland * * * Toffee Flavor Imitation."

The article was alleged to be adulterated in that an article containing a poisonous substance, a glycol or a glycol ether, or both, had been substituted wholly or in part for imitation toffee flavor, which it purported to be; and in that it contained an added poisonous or deleterious ingredient, a glycol or a glycol ether, or both, which might have rendered it injurious to health.

Misbranding was alleged in that the statement "Toffee Flavor Imitation" was false and misleading and tended to deceive and mislead the purchaser as applied to an article containing a glycol or a glycol ether, or both, which are poisons; and in that it was offered for sale under the distinctive name of another article.

On March 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28523. Adulteration and misbranding of beverage flavors. U. S. v. 7 Pint Bottles of Beverage Flavors, et al. Default decree of condemnation and destruction. (F. & D. Nos. 41274, 41457, 41458. Sample Nos. 38471–C, 71061–C, 71062–C.)

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

On December 28, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 11 pint bottles of beverage flavors at Newark, N. J. On January 18, 1938, a libel was filed against 13 dozen 1-ounce bottles of beverage flavors at Philadelphia, Pa. The libels alleged that the articles had been shipped in interstate commerce on various dates between January 17, 1935, and October 7, 1937, from New York, N. Y., by W. Sheinker & Son, Inc., and charged adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Green Ribbon * * * Rye Flavor [or other flavors] Green Ribbon Extract Co. New York, N. Y."

They were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for beverage flavors, which they purported to be; and in that they contained an added poisonous or deleterious ingredient, a glycol or glycol ether, or both, which might have rendered them injurious to health.

Misbranding was alleged in that the statements on the labels, "Flavor * * * Rye [or "Creme de Cacao," "Bernardino," "Anisette," "Apricot," "Rum," "Anisone," "Gin," or "Vermouth"]," were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing a glycol or a glycol ether, or both, poisons; and in that they were offered for sale under the distinctive names of other articles, beverage flavors.

On February 18, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28524. Adulteration and misbranding of vanilla, vanillin, and coumarin flavor. U. S. v. 1 Gallon Jug and 6 Gallon Jugs of Vanilla, Vanillin, and Coumarin Flavor. Default decrees of condemnation and destruction. (F. & D. Nos. 41377, 41417. Sample Nos. 64576–C, 56747–C.)

This product contained diethylene glycol, a poison.

On January 11, 1938, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gallon jug of the above-