27781. Misbranding of Kold-Ade and Kool-Ade. U. S. v. 34 Dozen Bottles of Kold-Ade. Default decree of condemnation and destruction. (F. & D. No. 39981. Sample No. 27347–C.)

These products were labeled to convey the impression that they were fruitade bases; whereas the orange, lemon, and lime and lemon varieties were artificially colored fruit bases flavored with essential oils, and the remaining products were artificially flavored and artificially colored and contained little or no fruit juices.

On July 16, 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 and condemnation of 34 dozen bottles of the products hereinafter described at Freehold, N. J., alleging that they had been shipped in interstate commerce on or about June 3, 1937, by the Drew Corporation from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled: "Kold-Ade [or "Kool-Ade"] * * * Prepared with Selected Citrus Fruit Oils, Certified Color, Citric Acid * * * Orange [or "Lemon & Lime" or "Lemon]." The remaining products were labeled: "Kold-Ade * * * Prepared with Concentrated Fruit Juice, Fruit Esters & Essential Oils Citric Acid, Certified Color * * * Raspberry [or "Pineapple," "Cherry," or "Grape"]." All were labeled further: "Drew Corporation, Brooklyn, N. Y."

The articles were alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to products that were imitation fruitade bases, of which all were artificially colored, a part were flavored with essential oils, and the remainder were artificially flavored and contained little or no fruit juice: "Kool-Ade * * * Orange [or "Lemon & Lime]"; "Kool-Ade * * * Lemon"; "Kold-Ade * * * Prepared With Concentrated Fruit Juice, * * * Raspberry [or "Pineapple," "Cherry," or "Grape"]" were alleged to be misbranded further in that they were offered for sale under the distinctive names of other articles.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

27782. Misbranding of canned peaches. U. S. v. 99 Cases of Yellow Cling Peaches. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 39992. Sample No. 10790–C.)

This product fell below the standard for canned peaches established by this Department because it was water-packed, and it was not labeled to indicate that it was substandard.

On July 21, 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 99 cases of canned peaches at Philadelphia, Pa, alleging that the article had been shipped in interstate commerce on or about June 24, 1937, by the Calbear Canneries Co. from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Milton Brand * * * Yellow Cling Peaches * * * Packed for M. I. Kimball & Co. Lawrence, Mass."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peaches were packed in water, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On August 9, 1937, the Calbear Canneries Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the product was released under bond conditioned that it be relabeled.

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

27783. Misbranding of butter. U. S. v. 16 Cases of Print Butter. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 40003. Sample No. 49412–C.)

This product was short weight.

On July 1, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of print butter at Elgin, Ill., alleging that the article had been shipped in interstate commerce