

labeled: "Kold-Ade * * * Prepared with Concentrated Fruit Juice, Fruit Esters and essential oils Raspberry [or "Pineapple," "Cherry," "Grape," or "Root Beer"]." All were labeled further: "Drew Corporation Brooklyn, N. Y."

The articles, with the exception of the root beer, 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 contained artificial color and little or no fruit juice—the orange, lemon, and lemon and lime containing citrus-oil flavor, and the remaining products containing artificial flavor: "Kold-Ade * * * Orange [or "Lemon," "Lemon and Lime," "Raspberry," "Pineapple," "Cherry," or "Grape"]." The root beer was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a characteristic nonsweetened root-beer concentrate: "Kold-Ade * * * Prepared with concentrated fruit juice, fruit esters * * * certified color." All, with the exception of the root beer, were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On September 30, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

27786. Adulteration of Limburger cheese. U. S. v. 130 and 65 2-pound Pieces of Limburger Cheese (and one other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 40025, 40044. Sample Nos. 20004-C, 20005-C, 45802-C.)

This product contained portions of insects.

On July 31 and August 7, 1937, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 195 2-pound pieces and 10 cases of Limburger cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 1 and July 9, 1937, by Hoffman & Mason, Inc., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

27787. Adulteration of Limburger cheese. U. S. v. 141 Pieces of Limburger Cheese. Default decree of condemnation and destruction. (F. & D. No. 40026. Sample No. 20006-C.)

This product contained portions of insects.

On July 31, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 pieces of Limburger cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by Carl Marty & Co. from Monroe, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Clear Brook Limburger Cheese * * * Wilson & Co. Distributors * * * Chicago, Ill."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 28, 1937, no claimant having appeared judgment of condemnation was entered and the product was ordered destroyed.

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

27788. Adulteration and misbranding of lemon flavor, lemon juice, and lime juice. U. S. v. Thirty-five 1-gallon Bottles of 100% Pure Lemon, et al. Default decree of condemnation and destruction. (F. & D. No. 40030. Sample Nos. 37533-C, 37950-C, 37970-C.)

These products were represented to be pure lemon juice, pure lime juice, and pure lemon flavor; whereas they were mixtures of artificially colored acid solutions and citrus-oil flavors containing little or no fruit juice. The labels bore no statement of the quantity of the contents.

On August 2, 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 59 gallon bottles of the above-described

products at Jersey City, N. J., alleging that they had been shipped in interstate commerce on or about July 7 and 19, 1937, by Sylvester Products Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The lemon and lime juices were labeled: "Cocktail Hour 100% Lemon [or "Lime"] Juice Made with Fresh Fruits Fruit Acids Certified Colors." The remaining product was labeled: "Cocktail Hour The Contents of this bottle is 100% Pure Lemon. No artificial Coloring No Preservatives used."

The articles were alleged to be adulterated in that mixtures of artificially colored acid solutions and citrus-oil flavors, containing little or no fruit juice, had been substituted wholly or in part for 100 percent pure lemon, 100 percent lemon juice, and 100 percent lime juice; and in that they had been mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the statements, "100% Pure Lemon No Artificial Coloring" and "100% Lemon Juice [or "Lime Juice"] Made with Fresh Fruits Fruit Acids," were false and misleading and tended to deceive and mislead the purchaser when applied to articles consisting of mixtures of artificially colored acid solutions and citrus-oil flavors and containing little or no fruit juice; and in that they were offered for sale under the distinctive names of other articles. They were alleged to be misbranded further 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.

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.*

27789. Misbranding of canned tomatoes. U. S. v. 104 Cases of Canned Tomatoes. Consent decree entered. Product released under bond to be relabeled. (F. & D. No. 40032. Sample Nos. 50752-C, 50761-C.)

This product fell below the standard for canned tomatoes established by this Department because it did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On August 5, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cases of canned tomatoes at Boise, Idaho, alleging that the article had been shipped in interstate commerce from Ogden, Utah, in part on or about February 19, 1937, by the Foods Produce Co., and in part on or about June 16, 1937, by H. D. Olson, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Craigs Perfection Brand Tomatoes with Puree from Trimmings * * * Distributed by H. D. Olson & Sons Ogden Utah."

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 it did not consist of whole or large pieces, 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 September 9, 1937, Reilly Atkinson & Co. having filed a claim on behalf of H. D. Olson, of Ogden, Utah, the packer, and the Dependable Wholesale Co., Inc., the owner, and having consented to the entry of a decree, the court ordered the product released to claimant under bond conditioned that it be relabeled to comply with the law.

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

27790. Adulteration and misbranding of sweet ground chocolate. U. S. v. 6 Barrels of Chocolate. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40043. Sample No. 49308-C.)

This product was deficient in fat.

On or about August 13, 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 six barrels of chocolate at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 8 and March 9, 1937, by Rockwood & Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rockwood * * * Sweet Ground Chocolate Manufactured by Rockwood & Co., Brooklyn, N. Y."

It was alleged to be adulterated in that a mixture of sugar and a cacao product containing less fat than is contained in chocolate had been substituted