

The Humreno dairy feed was alleged to be adulterated in that oat hulls, weed seeds, and dried weeds had been mixed and packed with it so as to reduce, lower and injuriously affect its quality; and in that a product containing oat hulls, weed seeds, and dried weeds, and containing more crude fiber and less nitrogen-free extract than declared on the label had been substituted for the article. It was alleged to be misbranded in that the statements, "Guaranteed Analysis * * * Crude Fiber not more than 7.60 per cent" and "Nitrogen-Free Extract not less than 49.00 per cent", and the statement of composition borne on the tags were false and misleading and were borne on the tag so as to deceive and mislead the purchaser since they represented that the article contained not more than 7.6 percent of crude fiber and not less than 49 percent of nitrogen-free extract and was composed solely of the ingredients named on the tag; whereas it contained more than 7.6 percent of crude fiber and less than 49 percent of nitrogen-free extract and was composed in part of ingredients not named on the tag; i. e., oat hulls, weed seeds, and dried weeds.

The Pasture Substitute brand was alleged to be misbranded in that the statements, "Composed of * * * rice hulls 22%, ground screenings * * * 16%, * * * 43% protein cottonseed meal 6%, 41% protein soybean oil meal 4%, corn gluten meal 3%, ground limestone 2%, 34% protein linseed meal 1% * * * Guaranteed Analysis: Crude Protein not less than 9.00 Per Cent, Crude Fat not less than 1.50 Per Cent, Crude Fiber not more than 15.00 Per Cent * * * Nitrogen-Free Extract not less than 48.00 Per Cent", borne on the tag, were false and misleading, were borne on said tag so as to deceive and mislead the purchaser since they represented that the article was composed of the substances and ingredients named and in the amounts stated on the tag; whereas the article was not composed of the ingredients named and in the amounts stated on the tag since it contained more than 22 percent of rice hulls, more than 2 percent of ground limestone, more than 15 percent of crude fiber, and contained less than 16 percent of ground screenings, less than 9 percent of crude protein, less than 1½ percent of crude fat, less than 48 percent of nitrogen-free extract, and contained no cottonseed meal, soybean oil meal, corn gluten meal, nor linseed meal.

On April 6, 1937, the case was submitted to the court on agreed facts and briefs, a judgment of guilty was entered, and a fine of \$75 and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27155. Adulteration and misbranding of imitation lemon extract, Colora Da Olio de Oliva, and Olive-Concentrol. U. S. v. Drew Corporation and James F. Drew. Pleas of guilty. Total fines, \$390. (F. & D. no. 36036. Sample nos. 24383-B, 26045-B, 26046-B, 26047-B.) **U. S. v. Drew Corporation, James F. Drew, and LeRoy C. Morley (National Co.). Pleas of guilty. Total fines, \$250.** (F. & D. no. 36048. Sample nos. 24297-B, 26043-B, 26044-B.) **U. S. v. Drew Corporation, James F. Drew, and Frederick P. Robbins (L. Feldman & Co.). Pleas of guilty. Total fines, \$170.** (F. & D. no. 36047. Sample nos. 24455-B, 24456-B.)

These cases involved the following: (1) A product labeled "Imitation Lemon Extract, Citral, Alcohol, Water and Color", which was not imitation lemon extract composed of said ingredients, since it contained no lemon oil and no appreciable amount of citral, and which was not labeled with a correct statement of the quantity of contents of the containers; (2) a product, labeled "Colora Da Olio De Oliva", which contained an unpermitted coal-tar color, and certain lots of which contained lead; and (3) a product, labeled "Olive-Concentrol", which contained no concentrate or other substances derived from olives or olive oil, and which did contain an unpermitted coal-tar dye, another coloring substance, and artificial flavor.

On April 5, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court three informations as follows: One charging the Drew Corporation, Brooklyn, N. Y., and James F. Drew, an officer of the corporation, with shipping in interstate commerce in violation of the Food and Drugs Act, on or about October 27, 1934, April 10, and April 14, 1935, from the State of New York into the State of Massachusetts quantities of Colora Da Olio De Oliva and Olive-Concentrol; and on or about April 30, 1935, from the State of New York into the State of Pennsylvania of a quantity of imitation lemon extract, all of which were adulterated and misbranded; another charging the Drew Corporation, James F. Drew, and LeRoy C. Morley, trading as the National Co., at Brooklyn, N. Y., with shipping in interstate commerce in violation of

said act on or about February 4, 1935, from the State of New York into the State of Pennsylvania a quantity of imitation lemon extract, and on or about April 18, 1935, from the State of New York into the State of Massachusetts, quantities of *Colora Da Olio De Oliva* and *Olive-Concentrol* all of which were adulterated and misbranded; and a third charging the Drew Corporation, James F. Drew, and Frederick P. Robbins, trading as L. Feldman & Co., at Brooklyn, N. Y., with shipping in violation of said act on or about January 22, 1935, from the State of New York into the State of Pennsylvania quantities of *Colora Da Olio De Oliva* and *Olive-Concentrol* which were adulterated and misbranded. The articles were variously labeled in part: "3 Fluid Ounces Certified Brand Imitation Lemon Extract Composed of Lemon Oil, Citral, Alcohol, Water, Color, Drew Corporation, New York City, N. Y."; "*Colora Da Olio De Oliva* * * * National Company * * * Brooklyn, New York"; "Gustave Schraff Fabrik Mainz *Olive-Concentrol* [or "*Colora Da Olio De Oliva*"]."

The imitation lemon extract was alleged to be adulterated in that a product containing no lemon oil and practically no citral, and consisting mainly of water, a small amount of alcohol, and a coal-tar dye (tartrazine), had been substituted for "imitation lemon extract composed of lemon oil, citral, alcohol, water, color", which it purported to be. The imitation lemon extract was alleged to be misbranded in that the statement, "Imitation Lemon Extract Composed of Lemon Oil, Citral, Alcohol, Water, Color", borne on the bottle, was false and misleading since the article was not imitation lemon extract composed of said ingredients but was a product containing no lemon oil and practically no citral and consisting mainly of water, a small amount of alcohol, and a coal-tar dye (tartrazine); in that said statement was borne on the bottles so as to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package i. e., the bottle, since the quantity of the contents was an amount not more than 2 fluid ounces and the amount was not stated, but instead the bottle bore the stated quantity as "3 Fluid Ounces."

The *Colora Da Olio De Oliva* and *Olive-Concentrol* were alleged to be adulterated in that both contained an added poisonous or deleterious ingredient, namely, Quinizarine Green, CI #1078, an unpermitted coal-tar color, and certain lots of the former also contained an added poisonous or deleterious ingredient, lead, in amounts which might have rendered the articles injurious to health. The *Olive-Concentrol* was alleged to be adulterated further in that a product containing artificial color and artificial flavor, namely, Quinizarine Green CI #1078, and esters of butyric acid, respectively, and containing no olive oil nor concentrate of olives or of olive oil had been substituted for *Olive-Concentrol*, an olive-flavored product derived from olives, which the article purported to be. The *Colora Da Olio De Oliva* was alleged to be misbranded in that the statement "*Colora Da Olio De Oliva*", borne on the bottles, was false and misleading in that it represented that said article was color from oil of olives; whereas said article was not color from oil of olives but was a thick greenish, oily solution containing Quinizarine Green CI #1078, an unpermitted coal-tar color, and another coloring substance, namely, Yellow OR CI #61; and in that said statement was borne on said bottles as aforesaid so as to deceive and mislead the purchaser.

The *Olive-Concentrol* was alleged to be misbranded in that the statement "*Olive-Concentrol*", borne on the bottle, was false and misleading in that it represented that the article was *Olive-Concentrol*, i. e., an olive-flavored product derived from olives; whereas it was not an olive-flavored product derived from olives, but was a product containing artificial color and artificial flavor, namely, Quinizarine Green CI # 1078 and esters of butyric acid, respectively, and it contained no olive oil nor concentrate of olives or of olive oil; and in that said statement was borne on the bottles so as to deceive and mislead the purchaser.

On April 20, 1937, pleas of guilty were entered on behalf of each defendant to the three informations. The Drew Corporation was fined \$260, and James F. Drew \$130 on the first information; the Drew Corporation was fined \$140, James F. Drew \$70, and LeRoy C. Morley \$49 on the second information; and the Drew Corporation was fined \$80, James F. Drew \$40, and Frederick P. Robbins \$50 on the third information.

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