

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25151-25250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 2, 1936]

25151. Adulteration and misbranding of Collins Vanilla Flavoring, Collins Lemon Flavoring, and Collins Strawberry Flavoring. U. S. v. Clyde Collins Chemical Co., a corporation. Plea of guilty. Fine, \$378.80. (F. & D. no. 33889. Sample nos. 30474-A, 30475-A, 34320-A, 34321-A, 34332-A.)

These articles contained substitutes for the articles they purported to be and were so colored as to conceal the inferiority occasioned by the substitution; and their labels represented them to be what they were not.

On July 5, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clyde Collins Chemical Co., a corporation, Memphis, Tenn., alleging shipment in violation of the Food and Drugs Act on or about April 13 and July 14, 1933, from Memphis Tenn., into the States of Arkansas, Illinois, Louisiana, Missouri, and Virginia, of quantities of Collins Vanilla Flavoring, Collins Lemon Flavoring, and Collins Strawberry Flavoring which were adulterated and misbranded. Each article was labeled in part: (Bottle) "Manufactured by Clyde Collins Chemical Co., 260 Madison Ave., Memphis, Tenn."

Analysis showed that Collins Vanilla Flavoring was an aqueous-glycerol solution of coumarin, vanillin and a small amount of vanilla, colored with caramel; that Collins Lemon Flavoring was an aqueous gum emulsion containing approximately 1 percent of oil of lemon, colored with tartrazine; that Collins Strawberry Flavoring was essentially a suspension of gum in water, artificially flavored and colored and that it contained no fruit juice.

The vanilla flavoring was alleged to be adulterated (a) in that a nonalcoholic, aqueous glycerol solution of vanillin and coumarin, which contained little, if any, vanilla, had been substituted for vanilla flavoring, and (b) in that the article had been colored with caramel in a manner whereby its inferiority to vanilla flavoring was concealed.

The lemon flavoring was alleged to be adulterated (a) in that a nonalcoholic, artificially colored mixture of aqueous gum emulsion, which contained little, if any, lemon oil, had been substituted for lemon flavoring, and (b) in that the article had been artificially colored with tartrazine in a manner whereby its inferiority to lemon flavoring was concealed.

The strawberry flavoring was alleged to be adulterated (a) in that an artificially colored aqueous gum emulsion, which contained little, if any, strawberry fruit juice, had been substituted for strawberry flavoring, and (b) in that the article had been artificially colored with amaranth in a manner whereby its inferiority to strawberry flavoring was concealed.

The vanilla flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Vanilla flavoring * * * Superior triple strength * * * Vanilla", was false and misleading, in that the article contained little, if any, vanilla; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was vanilla flavoring; and (c) in that it was a preparation that was an imitation of vanilla flavoring and was offered for sale under the distinctive name of another article, to wit, vanilla flavoring.

The lemon flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Lemon Flavoring * * * Supreme Triple Strength * * * True Lemon flavoring", was false and misleading, in that the article

contained little, if any, lemon oil; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it was lemon flavoring; and (c) in that it was offered for sale under the distinctive name of another article, to wit, lemon flavoring.

The strawberry flavoring was alleged to be misbranded (a) in that the statement borne on the label, to wit, "Strawberry Flavoring", was false and misleading, in that the article contained little, if any, strawberry fruit juice; (b) in that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the erroneous belief that it was strawberry flavoring; and (c) in that the article was offered for sale under the distinctive name of another article, to wit, strawberry flavoring.

On September 20, 1935, a plea of guilty was entered and a fine of \$378.80 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25152. Adulteration of butter. U. S. v. 49 Cases and 125 Cases of Butter. Decrees of condemnation and destruction. (F. & D. nos. 35558, 35627. Sample nos. 36826-B, 36828-B to 36833-B, incl.)

These cases involved butter samples of which were found to contain mold, insects, rodent hair, and other extraneous matter.

On May 11 and 13, 1935, respectively, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 174 cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 1 and May 8, 1935, by Armour Creameries, Inc., from Meridian, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries"; "Armours Star Quality Cloverbloom * * * Butter"; "Greer's Moo Girl Creamery Butter * * * Manufactured for Autrey Greer & Son Mobile Ala."; "Coleman's Fancy Creamery Butter * * * Distributed by Coleman's Mobile * * * Ala."

The libels charged adulteration of a portion of the article in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance; and adulteration of the remainder in that it consisted wholly or in part of a decomposed animal substance.

On October 7, 1935, Armour Creameries, Inc., having filed petitions to withdraw its claim of ownership, the said petitions containing claimant's consent to the entry of decrees, judgments of condemnation were entered and it was ordered that the article be destroyed; that claimant's petitions to withdraw its claim of ownership be denied, to which ruling the claimant excepted; and that the costs of the proceedings be taxed against the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25153. Misbranding of whisky. U. S. v. 88 Bottles of Whisky. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 35794. Sample nos. 42304-B, 42305-B.)

This case involved a shipment of whisky which was labeled to represent that it was produced under the supervision of, and its age and quality was guaranteed by, the Cuban Government; whereas the Cuban Government does not supervise the production or guarantee the age or quality of distilled spirits.

On July 24, 1935, 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 88 bottles of whisky at Somerville, N. J., alleging that the article had been transported on or about May 16, 1935, from the premises of Alliance Distributors, Inc., New York, N. Y., to Somerville, N. J., by Emanuel Jaffey, and by him subsequently sold and delivered in the original unbroken packages to Benjamin Jaffey, at Somerville, N. J., and that the article was misbranded in violation of the Food and Drugs Act.

Misbranding of the article was alleged in that the statements on the labels; "Bottled in Bond Under Cuban Government Supervision", were false and misleading and tended to deceive and mislead the purchaser.

On September 20, 1935, Alliance Distributors, Inc., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*