

to be; and in that it contained an added poisonous ingredient, a glycol, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the name "Cream Soda Flavor" was false and misleading and tended to deceive and mislead the purchaser when applied to a food flavor containing a poison; and in that it was offered for sale under the distinctive name of another article, "Cook's Cream Soda Flavor."

On February 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29066. Misbranding of Roquefort cheese. U. S. v. 32½ Dozen Packages of Roquefort Cheese. Default decree of condemnation and destruction. (F. & D. No. 42230. Sample No. 10802-D.)**

This product was short of the declared weight.

On April 21, 1938, 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 32½ dozen packages of Roquefort cheese at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about April 5, 1938, by Wm. Faehndrich, Inc., from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Genuine Famous Brand \* \* \* Net Weight 3 Ozs When Packed Wm. Faehndrich Inc."

The article was alleged to be misbranded in that the statement "Net Weight 3 Ozs When Packed" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29067. Adulteration of assorted flavors. U. S. v. 140 Bottles of Vanilla, et al. Default decree of condemnation and destruction. (F. & D. No. 42160. Sample Nos. 14213-D to 14217-D., incl.)**

These products were artificially colored and flavored solutions simulating vanilla flavor and lemon and orange extracts, and were so weak that if used in the ordinary quantity, they would impart practically no flavor.

On April 13, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 314 unlabeled bottles invoiced as vanilla, 69 unlabeled bottles invoiced as lemon extract, and 104 unlabeled bottles invoiced as orange extract at Providence, R. I.; alleging that the articles had been shipped in interstate commerce on or about January 13, February 14 and 17, and March 1 and 2, 1938, from Boston, Mass., by the Outlet Merchandise Co.; and charging adulteration in violation of the Food and Drugs Act. The said bottles were in cartons labeled variously as vanilla, lemon, or orange.

The articles were alleged to be adulterated in that artificially flavored and colored solutions had been substituted in whole or in part for them—three lots of the vanilla having only one-sixth, one-fifth, and one-half, respectively, of the flavoring strength of vanilla, and the lemon and the orange extracts having only one-third of the flavoring strength of lemon and orange extracts.

On May 6, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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

**29068. Adulteration of dried pears. U. S. v. 10 Cases of Dried Pears. Default decree of condemnation and destruction. (F. & D. No. 41964. Sample No. 3350-D.)**

This product was insect-infested and contained rodent excreta.

On March 18, 1938, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of dried pears at Goodland, Kans.; alleging that the article had been shipped in interstate commerce

on or about January 6, 1938, from Denver, Colo., by Morey Mercantile Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oro Brand Extra Fancy Northern Pears \* \* \* Packed by California Packing Corporation San Francisco, Cal."

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

On May 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29069. Adulteration of crab meat. U. S. v. 6 Cans and 6 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 42320. Sample No. 13402-D.)**

This product contained evidence of the presence of filth.

On April 20, 1938, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cans of crab meat at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about April 13, 1938, by Brunswick Fisheries from Brunswick, Ga.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 16, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29070. Adulteration of filled chocolate beans. U. S. v. 140 Pounds of Filled Chocolate Beans. Default decree of condemnation and destruction. (F. & D. No. 42229. Sample No. 12819-D.)**

This product was chocolate candy with a liquid center containing alcohol.

On April 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 pounds of filled chocolate beans at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about March 1 and 15, 1938, by the Monarch Candy Co., from Chicago, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Filled Chocolate Beans \* \* \* Mfg. By Monarch Candy Co.—Chicago Sole Distributors: Alfred Glander, Importer \* \* \* New York."

It was alleged to be adulterated in that it contained spirituous liquor.

On May 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29071. Adulteration of tomato paste. U. S. v. 81 Cases of Tomato Paste (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 42021, 42090, 42219, 42220. Sample Nos. 9981-D, 9987-D to 9990-D, incl., 22423-D.)**

This product contained excessive mold.

On March 21, April 5, and April 18, 1938, the United States attorneys for the Northern District of Ohio and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 81 cases of tomato paste at Youngstown, Ohio, and 322 cases and 10,000 cans of tomato paste at Scranton, Pa.; alleging that the article had been shipped in interstate commerce between the dates of December 10, 1937 and March 2, 1938, by Page's Gold Medal Canning Co., Inc., from Albion, N. Y.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Page's Gold Medal Italian Style Tomato Paste \* \* \* Packed by Page's Gold Medal Canning Co., Inc. Albion, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 2, 6, and 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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