29173. Adulteration and misbranding of imitation flavors. U. S. v. 52 Bottles, et al., of Imitation Flavors. Default decree of condemnation and destruction. (F. & D. Nos. 41391 to 41398, incl. Sample Nos. 73055–C, 73057–C, 73058–C, 73060–C to 73064–C, incl.)

These products contained a glycol or a glycol ether, or both, poisons. In addition, one lot consisted of imitation lemon flavor that was not so labeled.

On January 17, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,331 bottles of imitation flavors at Mattoon, Ill., alleging that the articles had been shipped in interstate commerce on or about September 2, 1937, from Terre Haute, Ind., by Hulman & Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Farmers Pride Brand or ["Crystal Brand"] * * * Put Up by Hulman & Co., Terre Haute, Ind."

They were alleged to be adulterated in that products containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for food flavors, which they purported to be; and in that they contained an added poisonous ingredient, a glycol or a glycol ether, or both, poisons, which might have rendered them injurious to health.

Misbranding was alleged in that the following statements, "Strawberry Flavor," "Black Walnut Flavor," "Banana Flavor," "Cherry Flavor," "Raspberry Flavor," "Vanilla Composed of Vanilline and Coumarin, with Caramel Color," and "Lemon Flavor," borne on the labels of the respective products, were false and misleading and tended to deceive and mislead the purchaser when applied to food flavors containing poisons, and which in the case of the last-named was an imitation lemon flavor which was not labeled to show that it was an imitation.

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.*

29174. Misbranding of butter. U. S. v. Capitol Hill Creamery Co. Plea of guilty. Fine, $25. (F. & D. No. 40831. Sample No. 39836–C.)

This product was short weight.

On May 27, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Capitol Hill Creamery Co., a corporation, Denver, Colo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 15, 1937, from the State of Colorado into the State of Wyoming of a quantity of butter that was misbranded. The article was labeled in part: "Capitol Hill Butter The Capitol Hill Creamery Co., Denver, Colo."

It was alleged to be misbranded in that the statement on the label, "One Pound," was false and misleading and was borne on the label so as to deceive and mislead the purchaser since it represented that each of the packages contained 1 pound of the article; whereas each of the packages did not contain 1 pound of the article but did contain a less amount.

On June 21, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of $25.

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

29175. Adulteration and misbranding of imitation lemon flavor. U. S. v. 2 Bottles and 7 Bottles of Lemon Flavor Imitation. Default decree of condemnation and destruction. (F. & D. No. 41182. Sample No. 57527–C.)

This product contained a glycol or a glycol ether, or both, poisons.

On December 20, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine bottles of imitation lemon flavor at Bridgeport, Conn.; alleging that the article had been shipped in interstate commerce on or about July 12, 1937, from Brooklyn, N. Y., by Standard Specialty Sales Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lemon Flavor Imitation * * * Packed for Modern Bakers Supply * * * Bridgeport, Conn."

Adulteration was alleged in that an article containing a glycol or a glycol ether, or both, poisons, had been substituted in whole or in part for imitation lemon flavor, a food flavor, which it purported to be.