

6230. Misbranding of evaporated apples. U. S. * * * v. 300 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 392-c.)

On March 21, 1918, the United States attorney for the Southern District of Georgia, acting upon a report by the chief food inspector of the State of Georgia, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases, each containing 50 cartons of evaporated apples, remaining unsold in the original unbroken packages at Macon, Ga., alleging that the article had been shipped on or about November 21 and 22, 1917, by W. H. Packard, Medina, N. Y., and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Choice Evaporated Apples Monogram Brand. * * * 8 oz. net weight."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the contents of the packages were not stated correctly in terms of weight and measure on the outside thereof; that is to say, that each of said cartons was labeled, "8 oz. net weight," whereas, in truth and in fact, the actual weight of the contents of each of said cartons was 25 per cent less than the reputed weight of the cartons as shown by the label.

On December 9, 1918, Ouzts, Mitchell & Corbin, Macon, Ga., having filed a claim for the release of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

G. I. CHRISTIE, *Acting Secretary of Agriculture.*