

tuted wholly or in part for the said article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason 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.

On November 2, 1921, the Washington Chocolate Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be relabeled "Sweet Chocolate Coating Containing Corn Starch and Excessive Cocoa Shells," that the net weight of the contents of the box be placed on the outside thereof, and that each individual cake be labeled "Net Weight 10 Lbs."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11284. Misbranding of grape jam. U. S. v. 7 Cases, et al., of Grape Jam, Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15657, 15659, 15660. I. S. Nos. 15538-t, 15551-t, 15552-t. S. Nos. E-3758, E-3768, E-3769.)

On February 8 and 10, 1922, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 81 cases of grape jam, remaining unsold in the original unbroken packages in various lots, namely, at Paterson, Jersey City, and Newark, N. J., respectively, alleging that the article had been shipped by the Schühle's Pure Grape Juice Co., Highland, N. Y., between the dates of September 1 and October 3, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's Pronounced Sheeley's Grape Jam Net Weight 1 Pound * * * Schühle's Pure Grape Juice Co. Inc. Highland, Ulster Co. N. Y."

Misbranding of the article was alleged in the libels for the reason that the statement, to wit, "Net Weight 1 Pound," borne on the jars containing the article, regarding the net weight thereof, was false and misleading in that it represented the net weight of the article contained in the said jars to be one pound, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said jars each contained one pound net of the article, whereas, in truth and in fact, the said jars did not each contain one pound of the said article, but did contain less than one pound. Misbranding was alleged for the further reason that the article 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 stated weight, to wit, "Net Weight 1 Pound," was incorrect and represented more than the actual contents of the package.

On August 24, 1922, the Schühle's Grape Juice Co., Inc., Highland, N. Y., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, conditioned in part that it be rebranded and properly marked. On January 6, 1923, the product was released under bond.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11285 (supplement to N. J. 10377). Adulteration and misbranding of salmon. U. S. v. 111 Cases of Salmon. Tried to the court. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 15861. I. S. No. 11991-t. S. No. C-3382.)
I. S. No. 11991-t. S. No. C-3382.)

On November 8, 1922, the United States attorney for the Northern District of Mississippi filed in the District Court of the United States for said district a libel alleging that on December 22, 1921, a libel was filed praying the seizure and condemnation of 900 cases of canned salmon, theretofore shipped in interstate commerce in violation of the Food and Drugs Act, that on April 2, 1922, a decree of the court was entered ordering the condemnation and destruction of the said 900 cases of the product, that on May 5, 1922, the marshal returned a writ to the effect that the product had been destroyed, and that thereafter an agent of the Bureau of Investigation, Department of Justice,

filed an affidavit to the effect that 111 cases of the said article were not in fact destroyed, but were in the possession of various dealers in Tupelo, Miss., and vicinity. The libel further charged that the said article was adulterated and misbranded in violation of said act, and prayed seizure and condemnation thereof.

On December 8, 1922, Smith & Co., Tupelo, Miss., having entered an appearance as claimant for the said 111 cases of the article, and the case having come on for final disposition before the court, after the introduction of evidence and arguments by counsel, a decree was entered by the court ordering that the product be recondemned and that it be destroyed by the sheriff of Lee County, Miss.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11286. Misbranding of salad dressing and relish. U. S. v. 2 Cases of Mayonnaise and 3 Cases of Relish. Default decrees entered. Products ordered destroyed. (F. & D. No. 16386. I. S. Nos. 8845-t, 8846-t. S. No. E-3898.)

On June 14, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases of mayonnaise and 3 cases of relish, remaining unsold in the original packages at Richmond, Va., alleging that the articles had been shipped by the Duke Mayonnaise Co., Greenville, S. C., May 10, 1922, and transported from the State of South Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: (Jars) "Duke's Home Made Mayonnaise * * * Net Weight 8 Ozs.;" "Duke's Home Made Relish * * * Made by the Makers of Duke's Home Made Mayonnaise Duke Mayonnaise Co. Greenville, S. C. Net Weight 8 Oz."

Misbranding of the articles was alleged in substance in the libels for the reason that the labels of the jars containing the respective articles bore the following statement, "Net Weight 8 Ozs.," which statement was false and misleading and deceived and misled the purchaser, since the said jars did not contain 8 ounces.

On October 12, 1922, no claimant having appeared for the property, judgments of the court were entered ordering that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11287. Adulteration of eggs. U. S. v. 24 Cases of Shell Eggs. Default decree entered. Product ordered destroyed. (F. & D. No. 16506. I. S. No. 8851-t. S. No. E-4015.)

On June 28, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of shell eggs, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by G. E. Butler, Greensboro, N. C., on or about June 26, 1922, and transported from the State of North Carolina into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed animal substance.

On July 14, 1922, no claimant having appeared for the property, it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

11288. Adulteration of strawberry pulp. U. S. v. 57 Cases of Strawberry Pulp. Default decree entered. Product ordered destroyed. (F. & D. No. 16536. I. S. No. 8540-t. S. No. E-3998.)

On or about July 1, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 57 cases of strawberry pulp, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., on or about May 17, 1922, and transported from the State of Michigan into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was