

labeled in part: (Can) "Sweet Corn. Contents 1 Lb. 4 Ozs. Opal Brand * * * Packed By The Elgin Canning Co. Elgin, Iowa."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On August 17, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture*

11668. Adulteration and misbranding of chocolate coating. U. S. v. Handy Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 17413. I. S. Nos. 205-v, 1309-v, 4506-v.)

On May 29, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Handy Chocolate Co., a corporation, Springfield, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 8, July 14, and August 15, 1922, respectively, from the State of Massachusetts into the States of Connecticut, Ohio, and Maryland, respectively, of quantities of chocolate coating which was adulterated and misbranded. The article was contained in shipping cases, a portion of which were labeled in part: "100 Lbs. Net Handy's Pride Chocolate Coating Springfield, Mass. U. S. A." or "Handy's Chocolate Company Springfield, Mass. U. S. A. * * * Handy's * * * Chocolate Coating." A portion of the article bore the statement imprinted on the cakes, "Miner's Incomparable Coating."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a sweet chocolate containing an excess of cocoa shells.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cacao shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for chocolate coating, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Chocolate Coating," borne on the cases containing a portion of the article, and the statement, to wit, "Coating," borne on the remainder of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statement represented that the article was chocolate coating, a product composed wholly of chocolate, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product composed wholly of chocolate, whereas, in truth and in fact, it was not a product composed wholly of chocolate but was a product composed in part of cacao shells. Misbranding was alleged with respect to the portion of the article labeled "Chocolate Coating" for the further reason that it was a product composed in part of cacao shells, prepared in imitation of chocolate coating, and was offered for sale and sold under the distinctive name of another article.

On June 8, 1923, a plea of nolo contendere to the information was entered by the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11669. Misbranding of Hooper's pills. U. S. v. 1 Dozen Boxes of Hooper's Pills (Green Seal). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17471. I. S. No. 411-v. S. No. E-4366.)

On April 25, 1923, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 dozen boxes of Hooper's pills, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the American Synthetic Co., Philadelphia, Pa., on or about January 26, 1923, and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained iron sulphate, aloes, and ginger.

Misbranding of the article was alleged in the libel for the reason that labels on the packages containing the said article bore the following statements, (wrapper) "perfection in opening obstruction of the vessels * * * cure