

13030. Misbranding of shelled pecans. U. S. v. 104 Pounds of Pecans. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18657. I. S. No. 20635-v. S. No. W-1508.)

On May 23, 1924, the United States attorney for the District of Colorado, 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 104 pounds of pecans, remaining in the original unbroken packages at Denver, Colo., consigned by the Central Pecan & Mercantile Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about April 21, 1924, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Best-O-All Pecans Select Halves 4 Oz. When Packed. Central Pecan & Merc. Co., St. Louis."

Misbranding of the article was alleged in the libel for the reason that the statement "4 Oz. When Packed," appearing on the labels, was false and misleading and deceived and misled the purchaser, and 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.

On September 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the packages be correctly labeled as to the actual contents thereof, and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13031. Adulteration and misbranding of flour. U. S. v. 250 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18127. I. S. No. 1400-v. S. No. E-4623.)

On December 3, 1923, the United States attorney for the District of Maryland, 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 250 sacks of flour, remaining in the original unbroken packages at Baltimore, Md., consigned about October 2, 1923, alleging that the article had been shipped by the Minneapolis Milling Co., from Minneapolis, Minn., and transported from the State of Minnesota into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Tops-All Patent Flour Minneapolis Milling Co. Minneapolis, Minn. Bleached 98 Lbs. Net Tops-All."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and in that water had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "98 Lbs. Net," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser, in that the said statement represented that each of said sacks contained 98 pounds of flour, whereas each of said sacks did not contain 98 pounds of flour but contained a less amount. 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.

On April 4, 1924, Charles P. Dorney, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it should not be sold or disposed of until properly relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

13032. Adulteration of chestnuts. U. S. v. 8 Barrels of Chestnuts. Product ordered destroyed. (F. & D. No. 19096. I. S. No. 19801-v. S. No. C-4521.)

On October 29, 1924, the United States attorney for the Southern District of Ohio, 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 8 barrels of chestnuts, consigned by Cuneo Bros., New York, N. Y., October 16, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the