

**37. Misbranding of evaporated apples. U. S. v. Gilbert Apple Products Co., Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 19698. I. S. Nos. 13841-v, 17251-v, 17254-v, 17257-v, 17259-v, 17261-v.)**

On February 16, 1926, the United States attorney for the Western District of New York, 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 Gilbert Apple Products Co., Inc., a corporation, Rochester, N. Y., alleging judgment by said company, in violation of the food and drugs act, between the approximate dates of November 21, 1924, and January 27, 1925, from the State of New York, in various lots, into the States of Virginia and New Jersey and the District of Columbia, respectively, of quantities of evaporated apples which were misbranded. The article was labeled in part: "Monroe Brand" (or "Lake Rite Brand" or "Cook Well Brand") "New York State Evaporated Apples Packed By Gilbert Apple Products Co. Inc. Rochester, N. Y."

Misbranding of the article was alleged in the information for the reason that the statement "Evaporated Apples," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of evaporated apples, and for the further reason that it was labeled as such so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples, whereas it did not so consist, but did consist in part of excessive water.

On March 10, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

**38. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21954. I. S. No. 12957-x. S. No. W-2154.)**

On May 19, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit, remaining in the original unopened packages at Seattle, Wash., alleging that the article had been shipped from the Weirsdale Packing Co., Weirsdale, Fla., May 3, 1927, and transported from the State of Florida into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Grapefruit \* \* \* Suncrest Brand Blue Goose A F G Packed By Weirsdale Packing Co. Weirsdale, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On or about May 31, 1927, by consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**39. Misbranding of oleomargarine. U. S. v. 100 Cases and 600 Cases of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21948. I. S. Nos. 17278-x, 17279-x. S. No. W-2155.)**

On June 7, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 700 cases of oleomargarine, remaining in the original unopened packages at Seattle, Wash., alleging that the article had been shipped from the Troco Mfg. Co., from Chicago, Ill., May 13, 1927, and transported from the State of Illinois into the State of Washington, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (on) "Troco Oleomargarine \* \* \* Troco Company Chicago," (inside) "Ingredients Coconut Fat 74.00% Peanut Fat 07.00% Milk Solids 14.00% Salt 02.50% Moisture 14.00%."

It was alleged in substance in the libel that the article was deficient in fat and contained excessive moisture and was misbranded, in that the statements, "Ingredients Coconut Fat 74.00% Peanut Fat 07.00% Moisture 14.00%," were false and misleading and deceived and misled the purchaser.

On or about June 15, 1927, the Troco Company, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of