

15250. Misbranding and alleged adulteration of almond paste. U. S. v. 8 Cases of Almond Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20820. I. S. No. 7175-x. S. No. E-5626.)

On February 6, 1926, 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 seizure and condemnation of 8 cases of almond paste, remaining in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by the American Almond Products Corp., Brooklyn, N. Y., on or about January 23, 1926, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (impressed in cake) "Pure Almond Paste," (stencil on box) "Pure Almond Paste * * * Manufactured by American Almond Products Corp. * * * Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated, in that a substance, a kernel paste other than almond, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reasons that the statement on the label, to wit, "Pure Almond Paste," was false and misleading and deceived and misled the purchaser, and that it was offered for sale under the distinctive name of another article.

On March 18, 1926, the American Almond Products Corp., Brooklyn, N. Y., having appeared as claimant for the property, a decree was entered adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$400, conditioned in part that it not be sold or otherwise disposed of contrary to law.

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