

Analysis by this department showed that the article consisted essentially of a concentrated plant juice. It contained approximately 60 per cent of sugars (sucrose and invert sugar).

It was alleged in the libel that the article was misbranded, in that the above quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 12, 1927, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15353. Adulteration of chocolate cream bars. U. S. v. 160 Cartons of Chocolate Cream Bars. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21993. I. S. No. 17272-x. S. No. 40.)

On July 27, 1927, the United States attorney for the District of Oregon, 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 160 cartons of chocolate cream bars, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hoefler's Centennial Chocolate Co., from San Francisco, Calif., on or about July 5, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hoefler's Centennial Chocolates Hoefler's San Francisco, Calif."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, in the case of confectionery, in that it contained a spirituous liquor.

On August 24, 1927, Lang, Senders & Co., Portland, Oreg., having appeared and 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 destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15354. Adulteration of scallops and misbranding of oysters. U. S. v. Albert L. Doughty. Pleas of guilty. Fine, \$75. (F. & D. Nos. 19760, 19779. I. S. Nos. 5754-x, 8102-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Albert L. Doughty, trading as A. L. Doughty, Willis Wharf, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, from the State of Virginia into the State of New York, on or about December 19, 1925, of a quantity of oysters, which were misbranded, and on or about February 1, 1926, of a quantity of scallops, which were adulterated. The articles were labeled "Minimum Volume 1-Gallon."

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, 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 scallops, which the said article purported to be. Adulteration of the said scallops was alleged for the further reason that a valuable constituent, to wit, scallop solids, had been abstracted in part from the article.

Misbranding of the oysters was alleged for the reason that the statement "Minimum Volume 1-Gallon," borne on the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained not less than 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained not less than 1 gallon of oysters, whereas the said cans did not each contain 1 gallon of oysters, but did contain a less quantity. Misbranding of the oysters was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1926, the defendant entered pleas of guilty to the informations, and the court imposed a fine of \$75, which fine covered both cases.

R. W. DUNLAP, *Acting Secretary of Agriculture.*