

Misbranding was alleged for the reason that the statements, "A mixture of fruit juice," "Raspberry (or "Currant") Minute Jelly Concentrate," "Makes * * * finest jelly," and "Jelly is ready," borne on the labels, were false and misleading and deceived and misled purchasers when applied to articles devoid of fruit juices. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On December 20, 1929, Minute Jelly (Inc.), Cranford, N. J., having appeared as claimant for the property, judgment was entered finding the products misbranded and ordering their condemnation and forfeiture, and it was further ordered by the court that the said products might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16953. Adulteration and misbranding of prepared mustard. U. S. v. 5 Cases of Prepared Mustard. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23409. I. S. No. 07425. S. No. 1581.)

On February 15, 1929, 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 seizure and condemnation of 5 cases, each containing a number of jars of prepared mustard, remaining in the original unbroken packages at Denver, Colo., consigned by the Jewett & Sherman Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about January 21, 1929, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Crown Brand * * * Prepared Mustard Colored with Turmeric. Holsum Products Inc., Chicago, Milwaukee, Kansas City."

It was alleged in the libel that the article was adulterated in that mustard bran had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Prepared Mustard" was false, misleading, and deceptive, and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 27, 1929, the Holsum Products (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having 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 released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16954. Adulteration and misbranding of grape juice. U. S. v. 60 Cases, et al., of Grape Juice. Default order of destruction entered. (F. & D. No. 23980. I. S. Nos. 06178, 06179. S. No. 2240.)

On September 3, 1929, the United States attorney for the District of Utah, 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 60 cases of pint bottles and 70 cases of quart bottles of grape juice, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Pacific American Fisheries, from Seattle, Wash., in part on or about May 17, 1929, and in part on or about July 3, 1929, and transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "One Pint Net (or "One Quart Net") Serv-us Brand Grape Juice Unfermented * * * Serv-us Grocery Products Corp'n, Distributors, Buffalo, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for the article, so as to lower or reduce or injuriously affect its quality or strength.

It was further alleged that the article was short in volume and was misbranded in that the statements, "Grape Juice," "One Pint Net," and "One Quart Net," borne on the labels, were false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in

package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On October 26, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16955. Adulteration of walnut pieces. U. S. v. 11 Cases of Walnut Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24302. I. S. No. 028533. S. No. 2550.)

On December 3, 1929, the United States attorney for the Southern 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 a libel praying seizure and condemnation of 11 cases of walnut pieces, remaining in the original unbroken packages at New York, N. Y., consigned by Antonio Vilanova, Tarragona, Spain, alleging that the article had been imported from Spain, into the State of New York, on or about February 16, 1929, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Walnut Pieces Arlequins, Produce of Spain."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid substance, to wit, wormy, rancid, and decomposed nuts.

On January 7, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16956. Adulteration of butter. U. S. v. 100 Cases, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24020. I. S. Nos. 08563, 08566. S. No. 2147.)

On or about July 29, 1929, 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 libels praying seizure and condemnation of 100 cases and 57 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about July 17, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Paynesville, Minn., and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On August 1, 1929, the North American Creameries Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16957. Adulteration and misbranding of cheese. U. S. v. 17 Boxes, et al., of Cheese. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 23423, 23464. I. S. Nos. 01306, 01307, 05224, 05225. S. Nos. 1627, 1652.)

On February 21 and February 28, 1929, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 82 boxes of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by C. A. Linzmeyer (or Linzmeier), in part on December 4, 1928, and in part on January 31, 1929, from Elmwood, Wis., and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (On cheese) "Cheese Factory * * * State of Wisconsin Department of Markets Wisconsin No. 1 (or "Wis. No. 1")."