

**17017. Adulteration and misbranding of red cherry sirup. U. S. v. Fifteen 1-Gallon Bottles of Red Cherry Sirup. Default decree of condemnation and destruction. (F. & D. No. 24069. I. S. No. 021047. S. No. 2274.)**

On September 14, 1929, 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 fifteen 1-gallon bottles of sirup, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Fialla & Eppler (Inc.), from New York, N. Y., in part July 20, 1929, and in part August 6, 1929, 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: (Bottle) "Sterling Brand \* \* \* Concentrated Fountain Syrup Red Cherry \* \* \* Fialla & Eppler, Inc., New York, N. Y. [design of dish of fruit]." (Box) "Red Cherry."

It was alleged in the libel that the article was adulterated in that an imitation red cherry fountain sirup, colored and flavored in a manner whereby damage and inferiority were concealed, had been substituted in part for red cherry fountain sirup.

Misbranding was alleged for the reason that the statement "Concentrated Fountain Syrup Red Cherry" and design of fruit, appearing on the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 7, 1929, no claimant having appeared for the property, judgment of condemnation 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.*

**17018. Adulteration of canned green beans. U. S. v. 922 Cases of Canned Green Beans. Consent decree of condemnation. Product released under bond. (F. & D. No. 24127. I. S. Nos. 020578, 016138. S. No. 2379.)**

On or about October 11, 1929, the United States attorney for the Northern District of Illinois, 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 922 cases of canned green beans at Chicago, Ill., alleging that the article had been shipped by the C. H. Musselman Co., Biglerville, Pa., July 26, 1929, and transported from the State of Pennsylvania into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Aurora Brand Cut Green Stringless Beans \* \* \* Packed for Steele-Wedeles Company Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed and putrid vegetable substance.

On February 10, 1930, the C. H. Musselman Co., Biglerville, Pa., having appeared as claimant for the property, and having consented to the entry of a decree, judgment was entered ordering that the product be condemned and that the costs be paid by the said claimant. It was further ordered by the court that the product be released to the claimant for the purpose of analysis, under the supervision of this department, upon the execution of a bond in the sum of \$1,000, conditioned in part that it be destroyed subsequent to said analysis.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17019. Misbranding of cottonseed meal and cake. U. S. v. Anadarko Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. No. 23707. I. S. Nos. 2973-x, 2974-x.)**

On January 17, 1929, the United States attorney for the Western District of Oklahoma, 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 Anadarko Cotton Oil Co., a corporation, Anadarko, Okla., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about December 3, 1927, and December 6, 1927, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. A portion of the article was labeled in part: "100 Pounds Net \* \* \* Cotton Seed Cake or Meal Sold by Anadarko Cotton Oil Co., Anadarko, Oklahoma." The remainder of the said article was labeled in part: "Equity Brand Cottonseed Cake and Meal \* \* \* Guaranteed Analysis Protein not less than 43%."

Misbranding with respect to the portion of the article shipped December 3, 1927, was alleged for the reason that the statement, to wit, "100 Pounds Net," borne on the tag attached to the sacks containing the said portion, represented that each sack contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each sack contained 100 pounds net of the said article, whereas each of said sacks did not contain 100 pounds net of the article, but each of a number of said sacks contained less than 100 pounds net of the said article. Misbranding was alleged with respect to the said portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the correct quantity was not stated. Misbranding was alleged with respect to the remaining consignment of the article for the reason that the statement, "Guaranteed Analysis Protein not less than 43%," borne on the label, was false and misleading in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas the said article in a number of the sacks contained less than 43 per cent of protein.

On November 21, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17020. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Product ordered released under bond. (F. & D. No. 24387. I. S. No. 06219. S. No. 2637.)**

On December 19, 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 20 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Leon Mayer, from Los Angeles, Calif., on or about November 29, 1929, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Lady Jane Brand Special Standard Amber."

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

On January 27, 1930, Leon Mayer, Los Angeles, Calif., claimant, having admitted the allegations of the libel, and having paid costs and filed a bond in the sum of \$400, a decree was entered ordering that the product be released to the said claimant to be reshipped to Los Angeles, Calif., and sorted and salvaged under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17021. Adulteration and misbranding of canned tomatoes. U. S. v. 3294 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24178. I. S. No. 017047. S. No. 2390.)**

On or about October 24, 1929, 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 seizure and condemnation of 3,294 cases of canned tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Deep Point Canning Co., from Deep Point, Va., on or about September 10, 1929, and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, canned tomatoes, whereas it was not, but was a product consisting of tomatoes and water.

On February 7, 1930, the Deep Point Canning Co., Richmond, Va., having appeared as claimant for the property, 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