

18274. Adulteration of evaporated apples. U. S. v. 15 Boxes of Evaporated Apples. Default decree of destruction entered. (F. & D. No. 25457. I. S. No. 10455. S. No. 3721.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On December 6, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of evaporated apples, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped by Claypool & Hazel, Springdale, Ark., on or about October 16, 1930, and had been transported from the State of Arkansas into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York Stores Mercantile Co. Cairo, Illinois * * * Good Night Brand Evaporated Apples Claypool & Hazel Springdale, Arkansas."

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

On June 2, 1931, 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.*

18275. Misbranding and alleged adulteration of frozen mixed eggs. U. S. v. 353 Cans of Frozen Mixed Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 25781. I. S. No. 26648. S. No. 4023.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, and labeled as complying with all pure food laws, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Michigan.

On January 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 353 cans of frozen mixed eggs, remaining in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce, on or about September 23, 1930, by the A. F. Thibodeau Co., Detroit, Mich., from Toledo, Ohio, into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Frozen Eggs, Best Quality, * * * Mixed and Guaranteed to comply with all pure food laws."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

Misbranding was alleged for the reason that the following statements, borne on the labels of the cans containing the article, "Best Quality * * * mixed and guaranteed to comply with all pure food laws," were false and misleading and deceived and misled the purchaser, since the product was not of the best quality and did not comply with the Federal food and drugs act.

On February 13, 1931, the A. F. Thibodeau Co., Detroit, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned, and it was further ordered by the court that the said product be released to the claimant for salvaging under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18276. Adulteration of canned salmon. U. S. v. 14 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25871. I. S. No. 2245. S. No. 4102.)

Samples of canned salmon from the shipment herein described having been found to be tainted and stale, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about August 23, 1930, by the Kustatan Packing Co., from Seldovia, Alaska, in

interstate commerce into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 3, 1931, 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.*

18277. Adulteration and misbranding of flavoring sirups. U. S. v. 1 Dozen Bottles of Sirup, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25786, 25789, 25790, 25961. I. S. Nos. 14033, 14036, 14038, 16397. S. Nos. 3685, 4211.)

Examination of variously designated flavoring sirups, known as Blackberry and Apricot Syrup Supreme and Raspberry Royale Castle cordial, from the shipments herein described showed that they were imitation products, deficient in fruit juice, containing added acid and artificial flavor and, with the exception of the Blackberry Syrup Supreme, artificially colored.

On February 6 and March 2, 1931, 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 the district aforesaid libels praying seizure and condemnation of 62 bottles of the said flavoring sirups at Chicago, Ill., alleging that the articles had been shipped by the Julius Marcus Co., from Brooklyn, N. Y., in various consignments on or about December 21, 1929 (1928), March 10, and September 27, 1930, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

The articles were labeled in part, variously: "Blackberry Victoria Brand Pure Blackberry Syrup Supreme None Genuine Without Signature of Julius Marcus [design of blackberries];" "None Genuine Without Signature of Julius Marcus Apricot * * * Beware of Imitations Apricot Artificial Flavor, Colored with Burned Sugar Syrup Supreme;" or "None Genuine Without Signature of Julius Marcus * * * Royale Castle Cordial Artificially Colored and Flavored Original Julius Marcus Laboratories, Inc., Brooklyn, N. Y. * * * Raspberry."

It was alleged in the libels that the articles were adulterated in that imitation fruit sirups or so-called cordials deficient in fruit juice, containing added acid and artificial flavor and, with the exception of the so-called Blackberry Syrup Supreme, containing artificial color, had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength and had been substituted in part for blackberry sirup, apricot sirup, or raspberry cordial, as the case might be. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of other articles, and in that they were offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the statements, "Blackberry * * * Pure Blackberry Syrup Supreme," together with the design of blackberries, with respect to the so-called Blackberry Syrup Supreme, "Apricot * * * Syrup Supreme, * * * Beware of Imitations," with respect to the so-called Apricot Syrup Supreme, "Raspberry * * * Cordial," with respect to the so-called Raspberry Royale Castle cordial, and "None Genuine Without Signature of Julius Marcus," with respect to all the said products, borne on the labels, were false and misleading; and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements represented that the articles were genuine fruit sirups or so-called cordials, whereas they were not.

On April 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18278. Adulteration of frozen mixed eggs. U. S. v. 63 Cans of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25949. I. S. No. 16133. S. No. 4205.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.