

It was alleged in the libel that the article was misbranded in that the statement on the label, "Pitted \* \* \* Cherries," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On November 9, 1931, the Fruit Growers Union Cooperative, Sturgeon Bay, Wis., 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 \$2,000, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19005. Adulteration of chocolate cops. U. S. v. 18 Cartons of Chocolate Cops. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27103. I. S. No. 37920. S. No. 5337.)

The chocolate cops involved in this action were candies all having the same outward appearance, with prizes of copper pennies concealed in some of the pieces. They were designed to appeal particularly to children.

On October 28, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cartons of the said chocolate cops, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Voneiff-Drayer Co., Baltimore, Md., on or about September 30, 1931, and had been transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Voneiff-Drayer Chocolate Cops \* \* \* Made in U. S. A. By the Voneiff-Drayer Company, Baltimore, Maryland."

It was alleged in the libel that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained an ingredient deleterious or detrimental to health, to wit, a copper cent; and under the provisions of the law applicable to food, in that it contained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On November 20, 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.*

**19006. Adulteration and misbranding of jelly. U. S. v. The Royal Remedy & Extract Co. Plea of guilty. Fine, \$10.** (F. & D. No. 26599. I. S. Nos. 7306, 7307, 029820, 029821, 029822.)

Examination of a product, represented to be apple pectin jelly, having shown that the article was imitation jelly, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Royal Remedy & Extract Co., a corporation, Dayton, Ohio, alleging shipment by said company in violation of the food and drugs act, from the State of Ohio into the State of Michigan, in part on or about December 28, 1929, and in part on or about July 21, 1930, of quantities of jelly that was adulterated and misbranded. The article was labeled in part: (Glass) "Souders Apple Pectin Jelly Strawberry [or "Raspberry" or "Blackberry"] Flavor \* \* \* Royal Remedy & Extract Co. Dayton, Ohio."

It was alleged in the information that the article was adulterated in that imitation jelly had been substituted for jelly, which the article purported to be.

Misbranding was alleged for the reason that the statement "Jelly," borne on the label, was false and misleading in that the said statement represented that the article was jelly; and for the further reason that it was labeled as afore-

said so as to deceive and mislead the purchaser into the belief that it was jelly, whereas it was not jelly, but was imitation jelly. Misbranding was alleged for the further reason that the article was an imitation of jelly and was offered for sale and sold under the distinctive name of another article.

On November 24, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19007. Adulteration of tomato catsup and tomato puree. U. S. v. 47 Cases of Tomato Catsup, et al. Default decrees of condemnation and destruction.** (F. & D. Nos. 26865, 26866. I. S. Nos. 22717, 22718. S. No. 5058.)

Samples of tomato catsup and tomato puree from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the District of Montana.

On August 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 47 cases of tomato catsup and 16 cases of tomato puree at Butte, Mont., alleging that the articles had been shipped by the Rocky Mountain Packing Corporation, from Salt Lake City, Utah, on or about March 30, 1931, and had been transported from the State of Utah into the State of Montana, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, respectively: (Cans) "Royal Red Brand Choice Standard Catsup \* \* \* Distributed by Van Alen Canning Corporation, Ogden and Tremonton, Utah;" and "Royal Red Brand Tomato Puree \* \* \* Distributed by Rocky Mountain Packing Corporation, Salt Lake City, Utah."

It was alleged in the libels that the articles were adulterated in that they consisted in part of decomposed vegetable substances.

On November 9, 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.*

**19008. Adulteration of canned salmon. U. S. v. 125 Cases of Canned Salmon. Decree of condemnation entered. Product released under bond.** (F. & D. No. 27036. I. S. No. 11580. S. No. 5250.)

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

On October 5, 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 125 cases of canned salmon at Fresno, Calif., alleging that the article had been shipped in interstate commerce, on or about August 12, 1931, by McGovern & McGovern, from Seattle, Wash., to San Francisco, Calif., and had been reshipped to Fresno, Calif., on or about August 19, 1931, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (Can) "Palace Brand Alaska Pink Salmon \* \* \* Haas Brothers, Distributors, San Francisco, Fresno."

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

On November 25, 1931, the Wrangell Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having executed good and sufficient bonds, conditioned in part that the product should not be sold or otherwise disposed of contrary to the Federal food and drugs act or other existing laws, judgment was entered ordering the product condemned as adulterated. The decree further ordered that the said product be released to the claimant for the purpose of segregating for destruction all that part which consisted of bad fish, such segregation to be made at claimant's expense, and under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19009. Adulteration and misbranding of cocoa. U. S. v. 25 Barrels of Cocoa. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27014. I. S. No. 39721. S. No. 5225.)

Samples of cocoa having been found to contain added shell material, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.