

ceive and mislead the purchaser, since the cans contained partially pitted cherries, and not pitted cherries as labeled.

This department also recommended to the United States attorney that the libel charge, in addition to the above charges, that the article was further misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary for such canned food, in that the liquid portion of the finished product read less than 16° Brix, and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary, indicating that it fell below such standard.

On June 6, 1932, the Springbrook Packing Co., Springbrook, Oreg., 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 \$250, conditioned in part that it be relabeled as "Partially Pitted Cherries," and that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19956. Adulteration of dried grapes. U. S. v. 25 Cases of Dried Grapes, Default decree of condemnation, forfeiture, and destruction. (No. 216-A. F. & D. No. 28309.)**

This action involved the shipment of a quantity of dried grapes, samples of which were found to be decomposed and insect-infested.

On May 12, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 25 cases of dried grapes. It was charged in the libel that the article had been shipped in interstate commerce on or about May 5, 1932, by the Albert Asher Co., consigned to Kellogg, Idaho, that it was in possession of the railroad company in the original unbroken packages at Portland, Oreg., and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "Zinfandel Dried Black Grapes Grown and packed in California."

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

On June 16, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19957. Misbranding of pearl tapioca. U. S. v. 107 Cases of Pearl Tapioca. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28018. I. S. No. 37643. S. No. 6066.)**

Sample packages taken from the shipment of tapioca involved in this action were found to contain less than 1 pound, the weight declared on the label.

On April 16, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 107 packages of pearl tapioca, remaining in the original unbroken packages at Perryville, Md., alleging that the article had been shipped on or about March 22, 1932, by the Edwin Smithson Co. (Inc.), from New York, N. Y., to Perryville, Md., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "One Pound King Cole Brand Pearl Tapioca Edwin Smithson Company, Inc. Packers and Distributors New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the package label, "One Pound," was false and misleading and deceived and misled the purchaser, since the package contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 15, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*