

20118. Misbranding of dried apples. U.S. v. 388 Cases of Dried Apples. Product released under bond. (F. & D. Nos. 28382, 28446. Sample Nos. 166-A, 7133-A, 7134-A.)

This action was based on the shipment of quantities of dried apples, samples of which were found to contain excessive moisture.

On or about July 23, 1932, the United States attorney for the Southern District of Texas, acting upon reports 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 388 cases of dried apples, remaining in the original cases at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about May 21, 1932, by the California Prune & Apricot Growers Association, from San Jose, Calif., to Houston, Tex., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Choice California Dried Apples * * * Prepared with sulphur Dioxide."

It was alleged in substance in the libel that the article was misbranded in that the statement "Dried Apples" was false and misleading, since the article contained excessive moisture and was not sufficiently evaporated to be sold as dried apples.

This Department in its report to the United States attorney recommended that the libel be drawn to charge that the product was adulterated in that a substance, insufficiently evaporated apples, had been substituted for evaporated apples, which the article purported to be.

On August 31, 1932, the case having come on for hearing on the petition of claimant, the California Prune & Apricot Growers Association, San Jose, Calif., and the court having found that the material allegations of the libel were true and that there were in fact 546 cases of the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a good and sufficient bond, to the effect that the article should not be sold or disposed of contrary to the provisions of the law, both State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20119 Adulteration of marshmallow marble candy. U.S. v. 32 Boxes of National Marshmallow Marble Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28383. Sample No. 18855-A.)

This action was based on the shipment of a quantity of marshmallow candy, in each piece of which was concealed a hard marble.

On June 18, 1932, the United States attorney for the Northern District of Texas, 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 32 boxes of marshmallow candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about February 24, 1932, by the National Candy Co., Inc., from St. Louis, Mo., to Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "National * * * Marshmallow Marble Candy, National Candy Company, Inc., Consolidated Factories, St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that each piece of candy contained an added deleterious ingredient, a hard marble, which might have rendered the said article injurious to health.

On September 28, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20120. Adulteration of marshmallow marble candy. U.S. v. 8 Boxes of Brock's Marshmallow Marbles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28384. Sample No. 18856-A.)

This action was based on the shipment of a quantity of marshmallow candy in each piece of which was concealed a hard marble.

On June 18, 1932, the United States attorney for the Northern District of Texas, 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 eight boxes of marshmallow marble candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about February 9, 1931, by Brock Candy Co., from Chattanooga, Tenn., to Dallas,