

Colo., a portion of which had been consigned by A. H. Baker, Anaheim, Calif., and the remainder of which had been consigned by the Dyson Shipping Co., San Francisco, Calif. It was alleged in the libel that the article had been shipped in interstate commerce; that the shipment from Anaheim had been made on or about December 3, 1932, that the shipment from San Francisco had been made on or about December 29, 1932, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hanson's Valencia Orange Juice Net Contents 1 Gallon [or "Net Contents 6½ Pints", "Net Contents 100 Oz.", or "Net Contents ½ Gallon"]."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "1 Gallon", "6½ Pints", "100 oz.", or "½ Gallon", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On June 5, 1933, the J. B. Morris Brokerage Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21159. Misbranding of onions. U. S. v. 510 Sacks of Onions. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30433. Sample no. 35606-A.)

This case involved a shipment of onions, sample sacks of which were found to contain less than 50 pounds, the declared weight.

On May 8, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 510 sacks of onions at Washington, D. C., alleging that the article had been shipped on or about May 1, 1933, by the C. E. Coleman Produce Co., from Corpus Christi, Tex., into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Netpac Bag 50 Lbs. Net Texas Bermuda Onions."

It was alleged in the libel that the article was misbranded in that the statement on the label, "50 Lbs. Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 10, 1933, the C. E. Coleman Produce Co., Inc., 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 claimant upon the payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21160. Misbranding of potatoes. U. S. v. 1 Carload of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30415. Sample no. 33695-A.)

This case involved a shipment of potatoes, sample sacks of which were found to contain less than 50 pounds, the weight declared on the label.

On or about May 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on April 26, 1933, by C. B. Mitchell, from Rio Hondo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "50 Lbs. Net Weight When Packed Texas Labonita Blue Goose Brand New Triumph Potatoes. Packed and Shipped by American Fruit Growers, Inc."

It was alleged in the libel that the article was misbranded in that the statement on the label, "50 Lbs. Net Weight When Packed", was false and

misleading and deceived and misled the purchaser. 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 incorrect.

On May 9, 1933, the American Fruit Growers, Inc., 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 \$1,000, conditioned that the sacks be filled to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

21161. Misbranding of canned raspberries. U. S. v. 49 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30408. Sample no. 32269-A.)

This case involved a shipment of canned black raspberries, sample cans of which were found to contain less than the weight declared on the label.

On May 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned black raspberries at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 9, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "White Top Brand Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co., Inc., Distributors, New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 6 Lbs. 7 Ozs.", was false and misleading and deceived and misled the purchaser. 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 incorrect.

R. C. Williams & Co., Inc., New York, interposed a claim as agent for Hunt Bros. Packing Co., owner, admitted the allegations of the libel, and consented to the entry of a decree. On June 19, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled in part: "Contents 6 pounds 3 ounces."

M. L. WILSON, *Acting Secretary of Agriculture.*

21162. Misbranding of candies (Tootsie Pops). U. S. v. Sweets Co. of America, Inc. Plea of guilty. Fine, \$150. (F. & D. no. 30177. I. S. no. 42529.)

This case was based on an interstate shipment of variously flavored candies; two flavors, grape and raspberry, respectively, were found to contain added undeclared acid and artificial flavor and color, with little or no fruit present.

On May 22, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sweets Co. of America, Inc., trading at New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2, 1931, from the State of New York into the State of Connecticut, of quantities of candies that were misbranded. The articles were labeled in part: (Wrapper) "Grape [or "Raspberry"] Tootsie Pops * * * Sweets Co. of America, New York"; (carton) "Tootsie Pops * * * Raspberry. Grape."

It was alleged in the information that the article was misbranded in that the statements, "Grape" or "Raspberry", borne on the cartons and wrappers, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles were candies and grape or raspberry only, with a sufficient amount of the fruits to give them the distinctive flavors of grape and raspberry, whereas they contained but a slight and negligible amount of grape or raspberry, if any, and contained added undeclared acid and arti-