

ficial flavor and color. Misbranding was alleged for the further reason that the articles were imitations of other articles, grape-flavored candy and raspberry-flavored candy.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

21163. Adulteration of apples. U. S. v. 98 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 30491. Sample no. 35879-A.)

This case involved the interstate shipment of a quantity of apples, bearing lead in an amount which might have rendered them injurious to health.

On April 14, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 bushels of apples at Lincoln, Nebr., alleging that the article had been shipped on or about March 31, 1933, by Quick & Harris, from Yakima, Wash., 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 contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

21164. Misbranding of olive oil. U. S. v. 101 Cans of Olive Oil. Default decree of destruction. (F. & D. nos. 30120, 30121. Sample nos. 36106-A, 36110-A.)

These cases involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On April 20, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101 cans of olive oil, in part at Price, Utah, and in part at Helper, Utah, alleging that the article had been shipped in interstate commerce on or about March 28, 1933, by Mallars & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Athlete Brand Pure Olive Oil Mallars & Company. Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Gallon", 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 incorrect.

On June 24, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

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

21165. Misbranding of ground ginger. U. S. v. 1 Gross Cans of Ground Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30503. Sample no. 41802-A.)

This case involved an interstate shipment of a quantity of ground ginger, samples of which were found to be short weight.

On May 23, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gross cans of ground ginger at Atlantic City, N. J., alleging that the article had been shipped on or about March 15, 1933, by H. L. Caplan & Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Manischewitz's Pure Ground Ginger * * * Packed for the M. Manischewitz Co. New York 1½ Oz. Net Wgt."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1½ Oz. Net Wgt.", was false and misleading and deceived and misled the purchaser, since the net weight of each can was less

than 1½ ounces. Misbranding was alleged for the further reason that the product was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 28, 1933, 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.

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

21166. Adulteration and misbranding of rice. U. S. v. 300 Bags of Rice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30453. Sample no. 23337-A.)

This case involved an interstate shipment of rice which was labeled "Extra Fancy", and which was of lower grade than Extra Fancy rice.

On May 9, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of rice at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about May 4, 1933, by the C. E. Grosjean Rice Milling Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy T [in diamond] Rice Grown in California."

It was alleged in the libel that the article was adulterated in that rice below the grade specified on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On May 27, 1933, the Teikoku Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$500, conditioned that it be relabeled in manner satisfactory to this Department.

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

21167. Adulteration of apples. U. S. v. 125 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30490. Sample no. 35419-A.)

This case involved an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On April 28, 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 125 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1933, by the C. M. Holtzinger Fruit Co. from Yakima, Wash., 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 contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 16, 1933, 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.

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

21168. Adulteration of apples. U. S. v. 57 Crates and 25 Crates of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30013. Sample nos. 28747-A, 28748-A.)

This case involved the interstate shipment of quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 6, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate