

the district court a libel praying seizure and condemnation of 53 sacks of walnuts at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about October 26, 1932, by the Whittier Packing Co., from Whittier, Calif., to Jackson, Miss., that it had been reshipped November 14, 1932, from Jackson, Miss., to New Orleans, La., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Quaker Brand Large Budded 1932 Crop California Walnuts, Whittier Packing Co., Whittier, California."

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

On August 4, 1933, Louis Groobman, trading as the Whittier Walnut Packing Co., Whittier, Calif., 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 \$1,000, conditioned that it be brought into compliance with the Food and Drugs Act, under the supervision of this Department.

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

21418. Adulteration and misbranding of fountain sirups and crushed strawberries. U. S. v. Allied Fruit & Extract Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28119. I.S. nos. 16262, 16264, 29427, 29428, 29429.)

This case was based on interstate shipments of cherry-flavored sirup and wild-cherry-flavored sirup, which were artificially colored and flavored and contained benzaldehyde and added acid; of raspberry- and loganberry-flavored sirups which were artificially colored and contained added acid; and of crushed strawberries which were represented to consist of fruit and sugar, and which were found to contain glucose.

On July 25, 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 Allied Fruit & Extract Co., Inc., New York, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 24, 1931, from the State of New York into the State of Pennsylvania, and on or about April 25, 1931, from the State of New York into the State of Maryland, of quantities of fountain sirups and crushed strawberries which were adulterated and misbranded. The articles were labeled in part, variously: "Concentrated Fountain Syrup Cherry Contains Added Color, Imitation Flavor Chicago"; "Concentrated Fountain Syrup, Raspberry"; "Loganberry Syrup Concentrated"; "Dainty-Maid Strawberries Composed of Fruit and Sugar, Freed From Excess Syrup Contains Added Color * * * Allied Fruit & Extract Company, Incorporated, New York, N.Y.;" "Dainty-Maid Concentrated Wild Cherry Syrup * * * Allied Fruit & Extract Co. New York, N.Y."

It was alleged in the information that the cherry and wild cherry sirups were adulterated in that artificially colored and flavored products containing benzaldehyde and undeclared added acid had been substituted for concentrated fountain cherry sirup and wild cherry sirup, which the articles purported to be. Adulteration of the raspberry and loganberry sirups was alleged for the reason that artificially colored products which contained undeclared added acid had been substituted for concentrated fountain sirup raspberry and loganberry sirup concentrated, which the articles purported to be. Adulteration of the crushed strawberries was alleged for the reason that a product which contained undeclared commercial glucose had been substituted for a product made from strawberries, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Concentrated Fountain Syrup Cherry", "Concentrated Wild Cherry Syrup", "Concentrated Fountain Syrup Raspberry", "Loganberry Syrup Concentrated", and "Strawberries Composed of Fruit and Sugar", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser.

On August 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 on each of the 10 counts of the information and ordered that sentence be suspended as to all counts but count I.

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