

deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On August 24, 1933, the Wesson Oil & Snowdrift Sales Co., claimant, having admitted the allegations of the libel and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$1,000, conditioned that the product be returned to the plant of claimant, removed from the cans, and returned to the general stock, and that the cans be destroyed.

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

21444. Misbranding of canned apricots. U. S. v. 14 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product ordered sold unless taken down under bond for relabeling. (F. & D. nos. 30532, 30556. Sample nos. 42027-A, 42040-A.)

This case involved a shipment of a product represented to be solid-pack canned apricots. Examination showed that the article was not solid pack, since it contained water as a packing medium, that it fell below the standard for such canned food established by this Department, and was not labeled to indicate that it was substandard.

On June 19, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of canned apricots at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about April 27, 1933, by the Western States Grocery Co., from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gateway Brand Solid Pack Pie Apricots * * * Packed by Perry Canning Co., Perry, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Solid Pack", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, as regards color, uniformity of size, and wholeness, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it was substandard.

On August 14, 1933, no claim having been entered for the property, judgment of condemnation and forfeiture was entered. The decree provided that, upon proof of ownership, the product be delivered to the owner upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled in conformity with the Federal Food and Drugs Act, otherwise that it be sold by the United States marshal.

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

21445. Adulteration and misbranding of chewing gum (Fruiti-Chews and Fruit Chews). U. S. v. Philip Silvershein, Simon S. Epstein, and Philip Silvershein, Inc. Pleas of guilty. Fines, \$75. (F. & D. no. 30207. Sample no. 9483-A.)

This case was based on an interstate shipment of a product represented to be fruit-flavored chewing gum. Examination showed that the article contained phenolphthalein, a cathartic drug, which might have rendered it injurious to health; also that it contained no fruit or true fruit flavors.

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 Philip Silvershein and Simon S. Epstein, individuals, and Philip Silvershein, Inc., a corporation, all of New York, N.Y., alleging shipment by said defendants on or about August 6, 1932, under the name of "Epstein", i.e. Simon S. Epstein, of a quantity of chewing gum which was adulterated and misbranded.

A portion of the article was labeled: "National Fruiti-Chews, The National Fruit Chew, scientifically and synthetically blended from choicest foreign and domestic fruit flavors * * * The National Gum Co., Inc., Newark, N.J. [design of various fruits] National Fruiti-Chews. The tang of your favorite fruits." The remainder was labeled: "National * * * Fruit Chews * * * The National Gum Co., Inc., Newark, N.J., U.S.A. Scientifically and synthetically blended from the choicest domestic and foreign fruits."

It was alleged in the information that the article was adulterated under the provisions of the law relating to food, in that it contained an added deleterious ingredient, phenolphthalein, in an amount which might have rendered the article injurious to health. It was further alleged in the information that the article was adulterated under the provisions of the law relating to confectionery, in that it contained phenolphthalein, an ingredient deleterious and detrimental to health.

Misbranding was alleged for the reason that the statements, "Fruiti-Chews * * * Fruit Chew * * * blended from choicest foreign and domestic fruit flavors * * * The tang of your favorite fruits", together with designs of various fruits, borne on each of a number of packages containing the article, and the statements, to wit, "Fruit Chews * * * Blended From The Choicest Domestic And Foreign Fruits", borne on the packages containing the remainder, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchasers, since it contained no fruit substance, it contained no natural flavor derived from fruits, and did not contain the natural tang and flavor derived from fruits.

On September 5, 1933, the defendants entered pleas of guilty to the three counts of the information, and were each sentenced to pay a fine of \$25 on each count. Execution of the sentence was suspended on the second and third counts.

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

21446. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30842. Sample no. 43403-A.)

This case involved an interstate shipment of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 17, 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 one barrel of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1933, by Riley Creighton, from Fishing Creek, Md., 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 consisted in whole or in part of a filthy animal substance.

On August 12, 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.*

21447. Adulteration of apple pectin. U. S. v. 3 Barrels of Apple Pectin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30053. Sample no. 40504-A.)

This case involved a shipment of apple pectin which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On April 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 three barrels of apple pectin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by the Mutual Citrus Products Co., Inc., from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mutual Citrus Products Company, Inc., Anaheim, California, 80 Grade Apple Pectin."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On August 7, 1933, the White-Stokes Co., Inc., Chicago, Ill., 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 payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and other laws.

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