

On April 4, 1934, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

**22150. Adulteration and misbranding of fruit-flavored sirups. U. S. v. 177 Cases of Strawberry-Flavored Sirup, et al. Consent decree of condemnation and forfeiture. Products released under bond for relabeling. (F. & D. no. 32013. Sample nos. 66899-A, 66900-A, 66901-A.)**

This case involved products represented to be fruit-flavored sirup, but which were found to consist of artificially flavored and colored imitations of fruit sirup.

On February 21, 1934, 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 302 cases of strawberry-, grape-, and raspberry-flavored sirups at Hoboken, N. J., alleging that the articles had been shipped in interstate commerce on or about June 29, 1933, by the Snaider Syrup Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "American House Strawberry [or "Grape" or "Raspberry"] flavored sirup \* \* \* American Grocery Company Distributors Hoboken, N. J."

It was alleged in the libel that the articles were adulterated in that artificially flavored and colored imitation strawberry, grape, and raspberry sirups had been substituted for strawberry, grape, and raspberry sirups, which the articles purported to be. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the labels were false and misleading and tended to deceive and mislead the purchaser: "Strawberry-Flavored Syrup", "Grape-Flavored Syrup", and "Raspberry-Flavored Syrup." Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 16, 1934, the Snaider Syrup Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that they be relabeled so as to comply with the requirements of the Food and Drugs Act.

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

**22151. Adulteration and misbranding of prepared mustard. U. S. v. 43 Cases and 23 Cases of Alleged Mustard. Default decrees of condemnation. Product delivered to charitable institutions. (F. & D. nos. 32015, 32016. Sample nos. 50766-A, 50767-A.)**

These cases involved a shipment of two lots of mustard which contained added mustard bran. The statement on the label, of the quantity of the contents was ambiguous, since the declaration was made in ounces and failed to indicate whether the avoirdupois or liquid ounce was meant.

On February 24, 1934, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 cases of alleged mustard at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, on or about October 27, 1933, by the Nash Food Products Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled, "Nash's Brand Mustard With Bran" the words "With Bran" being in small inconspicuous type. The remainder was labeled: "Nash's Brand Compound Mustard Colored with Turmeric." Both lots were further labeled: "12 Ounces Manufactured by Nash-Underwood Inc., Chicago, Ill."

It was alleged in the libels that the article was adulterated in that mustard bran had been substituted in part for mustard.

Misbranding was alleged for the reason that the prominent statement on the label, "Mustard", was false and misleading and tended to deceive and mislead the purchaser when applied to a product consisting of 50 percent of added mustard bran. Misbranding was alleged for the further reason that the article was an imitation of another article; for the further reason that

it was offered for sale under the distinctive name of another article; and for the further reason that it 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 "Contents 12 Ounces", was ambiguous.

On March 27, 1934, no claimant having appeared for the property, judgments of condemnation were entered. On April 20, 1934, the court having found that the product was not unfit for human consumption and not injurious to health, amended orders were entered permitting the marshal to deliver it to charitable institutions.

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

**22152. Misbranding of shortening. U. S. v. 19 Cases of Shortening. Decree of condemnation. Product released under bond to be repacked. (F. & D. no. 32018. Sample no. 63793-A.)**

This case involved a shipment of shortening which was short weight.

On February 21, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of shortening at Ardmore, Okla., alleging that the article had been shipped in interstate commerce, on or about October 18 and November 6, 1933, by the Texas Refining Co., from Greenville, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Four Pounds Net Weight Blue Bonnet Shortening. \* \* \* Texas Refining Co., Greenville, Texas."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Four Pounds Net Weight", 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 March 7, 1934, the Texas Refining Co., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$100, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. The article was repacked in full 4-pound cartons.

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

**22153. Misbranding of shelled pecans. U. S. v. 17¼ Cases of Shelled Pecans. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32055. Sample no. 66761-A.)**

This case involved a shipment of shelled pecans which were found to be short weight.

On March 9, 1934, 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 17¼ cases of shelled pecans at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by R. E. Funsten Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Funstens Shelled Pecans \* \* \* Net Weight 8 oz. R. E. Funsten Company, St. Louis Mo."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans were labeled "8 oz." and contained less than 8 ounces. 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 correctly stated on the outside of the packages.

On April 2, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., having appeared as claimant for the property 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 \$100, conditioned that it be relabeled under the supervision of this Department.

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