

22407. Misbranding of assorted jellies. U. S. v. 15 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32065. Sample nos. 65026-A to 65029-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 1, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of assorted jellies at Detroit, Mich., alleging that the articles had been shipped in interstate commerce, on or about December 30, 1933, by the Glaser, Crandell Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Derby Brand Apple Pectin Jelly Net Wt. 1 Lb. 7 Oz. Glaser Crandell Co., Chicago." Three of the four varieties were further labeled, "Raspberry Flavor", "Currant Flavor", or "Grape Flavor."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Net Weight One Pound Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

22408. Misbranding of strawberry preserves. U. S. v. 16¼ Cases of Assorted Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32070. Sample nos. 66757-A, 66758-A.)

This case involved a shipment of assorted preserves including strawberry preserves. Sample jars taken from the strawberry preserves were found to contain less than the labeled 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 16¼ cases of assorted preserves at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by the California Packing Corporation, from Alameda, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The strawberry preserves were labeled in part: "Gold Crest Brand Strawberry Jam * * * California Preserving Co., Los Angeles, Calif. Net Weight 2½ Lb."

It was alleged in the libel that the strawberry preserves were misbranded in that they were labeled "Net Weight two and one half lb.", so as to deceive and mislead the purchaser, since the jars contained less than 2½ pounds of strawberry preserves. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not stated plainly and correctly on the jars.

On April 5, 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 the strawberry preserves be relabeled under the supervision of this Department.

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

22409. Adulteration and misbranding of catsup. U. S. v. 7 Cases and 15¼ Cases of Catsup. Tried to the court. Judgment for the Government. Product ordered released under bond to be relabeled. (F. & D. no. 32078. Sample no. 61395-A.)

This case involved a shipment of catsup which contained a foreign starch in appreciable amounts, also fibers and gum masses resembling those found in slippery elm bark.

On March 3, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22¼ cases of catsup at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce, on or about January 6, 1934, by the Waples Platter Co., from Fort Worth, Tex., and had been transported from the State of Texas into the State of New