

**22411. Misbranding of baking powder. U. S. v. 41 Cartons of Baking Powder. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32238. Sample no. 67063-A.)**

Sample cans of baking powder taken from the shipment involved in this case were found to contain less than one half pound, the labeled weight.

On March 5, 1934, the United States attorney for the Northern 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 41 cartons of baking powder at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Manhattan Baking Powder Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New and True Brand Baking Powder ½ Lb. Net Contents."

It was alleged in the libel that the article was misbranded in that the statement, "½ Lb. Net Contents", was false and misleading and tended to deceive and mislead 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 April 20, 1934, 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 delivered to any public charitable or relief organizations.

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

**22412. Adulteration of apple chops. U. S. v. 418 Sacks of Dried Apple Chops. Product released under bond to be cleaned. (F. & D. no. 32246. Sample no. 50549-A.)**

This case involved a shipment of apple chops which were insect-infested and dirty.

On March 6, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 418 sacks of apple chops at Orrville, Ohio, alleging that the article had been shipped in interstate commerce, on or about November 29, 1933, by F. H. Hogue, from Payette, Idaho, 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 wholly or in part of a filthy vegetable substance.

On April 4, 1934, the J. M. Smucker Co., Orrville, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it should not be disposed of in violation of the law. The article was reconditioned and reinspected and found to be properly cleaned.

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

**22413. Adulteration of tomato catsup. U. S. v. 87 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32252, 32253. Sample nos. 69220-A, 69221-A, 69222-A.)**

These cases involved interstate shipments of tomato catsup which contained excessive mold.

On March 7, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 97 cases of tomato catsup at Allentown, Pa., and 120 cases of tomato catsup at Easton, Pa., alleging that the article had been shipped in interstate commerce, between the dates of September 16 and 30, 1933, by Raab's Blue Ribbon Products, Inc., from Williamstown, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Aunt Ann's Catsup."

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

On April 27, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*