

On April 10, 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 destroyed by the United States marshal.

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

22422. Adulteration and misbranding of catsup. U. S. v. 28 Cases of Catsup. Default decree of destruction. (F. & D. no. 32307. Sample no. 63668-A.)

This case involved a shipment of catsup that contained a foreign substance, slippery elm bark or some closely related substance.

On March 14, 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 28 cases of catsup at Ada, Okla., alleging that the article had been shipped in interstate commerce on or about October 11, 1933, by the Waples Platter Co., from Fort Worth, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Wapco Brand Catsup * * * Distributed by Waples Platter Company, Texas."

It was alleged in the libel that the article was adulterated in that slippery elm bark or some closely related substance had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the name "Catsup" was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing slippery elm bark; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 30, 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.*

22423. Adulteration of Brazil nuts. U. S. v. 13 Baskets of Brazil Nuts. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 32318. Sample no. 61620-A.)

This case involved a shipment of Brazil nuts which were in part moldy and decomposed.

On March 15, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 baskets of Brazil nuts at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about October 2, 1933, by the General Foods Sales Co., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "King Cole Jumbo Brite Brazil Nuts."

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

On March 16, 1934, no formal appearance or claim having been entered, 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.*

22424. Adulteration and misbranding of confectionery. U. S. v. 18 Boxes of Candy, et al. Default decrees of destruction. (F. & D. nos. 31976, 32296, 32322. Sample nos. 19086-A, 19087-A, 61566-A, 65032-A.)

These cases involved shipments of confectionery that contained alcohol. Certain lots were labeled, "Not a Confection", in an attempt to disclaim responsibility for shipment of confectionery containing spirituous liquor. One box of the product failed to bear a statement of the quantity of the contents.

On February 14, March 12, and March 15, 1934, the United States attorneys for the Eastern District of Michigan, the Northern District of Texas, and the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 boxes of candy at Saginaw, Mich., 29 boxes of confectionery at Lubbock, Tex., and 16 boxes of confectionery at Hopkinsville, Ky. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of January 10 and February 12, 1934, by the Berkshire Co., from Chicago, Ill., into the States of Michigan, Texas, and Kentucky, respectively, and that it was adulterated and portions were also misbranded in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained spirituous liquor.

Misbranding was alleged with respect to two lots of the article in that the statement "Cordial Not a Confection", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged with respect to one box for the 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.

On April 16, May 22, and June 20, 1934, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

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

22425. Misbranding of apple butter. U. S. v. 22 Cases of Apple Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 32333. Sample no. 58943-A.)

Sample jars of apple butter taken from the shipment in this case were found to contain less than the declared weight.

On March 17, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of apple butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about November 9, 1933, by A. H. Renehan & Son, from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Patapsco Brand Cont. 38 Ozs. Pure Apple Butter, A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", 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 packages, since the statement made was incorrect.

On April 26, 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 relabeled with the statement, "Contents 2 Lbs. 4 Oz.", and sold by the United States marshal.

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

22426. Misbranding of honey. U. S. v. 26 Cartons of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be refilled to declared weight. (F. & D. no. 32337. Sample no. 66981-A.)

Sample jars of honey taken from the shipment involved in this case were found to contain less than 8 ounces, the labeled weight.

On March 19, 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 26 cartons of honey at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about August 16, 1933, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "H. & H. Pure Honey 8 Ounces Net Wt."

It was alleged in the libel that the article was misbranded in that the statement "8 ounces net wt.", borne on the label, 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 23, 1934, Preserves & Honey, Inc., 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 \$200, conditioned that the jars be filled so that they contain at least 8 ounces.

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