

pimiento and string beans, was false and misleading and tended to deceive and mislead the purchaser, since the article contained none of those vegetables.

On July 23, 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 a charitable institution.

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

22771. Misbranding of jellies. U. S. v. 96 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32680. Sample nos. 60865-A to 60868-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 5 ounces, the labeled weight.

On May 4, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of assorted jellies at Cincinnati, Ohio, consigned by the C. H. Musselman Co., from Biglerville, Pa., on or about December 7, 1933, alleging that the article had been shipped in interstate commerce, from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand * * * Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa. Net Contents 5 Oz. [or "Contents 5 Oz."]."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Net Contents five ounces" or "Contents Five Ounces", were 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 June 2, 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.*

22772. Adulteration of egg noodles. U. S. v. 18 Cases and 5 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32681. Sample nos. 71094-A, 71095-A.)

This case involved a shipment of egg noodles which were artificially colored yellow.

On May 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of egg noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 23, 1934, by Tsue Chong, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Package) "Real Chinese Made Rose Brand Fresh Egg Noodles." The remainder was labeled: (Case) "Fresh Egg Noodles * * * Rose Brand Genuine Chinese Noodles Made by Tsue Chong Co., * * * Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On July 17, 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.*

22773. Adulteration and misbranding of whisky. U. S. v. 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32682. Sample no. 12230-A.)

This case involved artificially flavored and colored pomace and raisin brandy which was labeled "Whiskey."

On May 4, 1934, the United States attorney for District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 21 bottles of whisky at Washington, D. C., alleging that the article was in possession of Clark's, Inc., Washington, D. C., and was being

offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by The Sherwood Distilling & Distributing Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that a pomace and raisin brandy which had been stored in charred wood and artificially flavored and colored, had been substituted for whisky, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article, "Whiskey."

On August 17, 1934, the Sherwood Distilling & Distributing Co., having appeared as claimant for the property, 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 \$42, conditioned that it be properly relabeled.

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

22774. Adulteration of olives. U. S. v. 13 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32686. Sample no. 67967-A.)

This case involved a shipment of olives that were in part wormy.

On May 9, 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 13 cases of olives at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about January 12 and May 5, 1933, by the B. M. Reeves Co., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Peerless Brand Olives * * * Packed by Peerless Packing Co. Brooklyn, New York."

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

On June 9, 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.*

22775. Misbranding of kummel and liqueurs. U. S. v. 15 Bottles of Kummel, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32689. Sample nos. 68440-A, 68442-A to 68445-A, incl.)

This case involved bottled liqueurs which were short volume.

On May 7, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of kummel, and 43 bottles of liqueurs at Springfield, Mass., alleged that the articles had been shipped in interstate commerce, in various shipments between the dates of February 13 and April 5, 1934, the kummel by the Allied Brewing & Distributing Co., from Jersey City, N. J., and the liqueurs by the Julius Marcus Laboratories, Inc., in part from New York, N. Y., and in part from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Kummel) "Julius Marcus Kummel Contents One Quart 80 Proof, Manufactured at the Original Julius Marcus Laboratories, Jersey City, N. J."; (liqueurs) "Julius Marcus Apricot [or "Peach", "Blackberry", or "Cherry"] Liqueur 64 proof Contents One Pt. 9 Fluid Oz."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, (kummel) "Contents One Quart", and (liqueurs) "Contents One Pt. 9 Fluid Oz.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On July 17, 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.*