

**22781. Misbranding of prepared mustard. U. S. v. 5 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32706. Sample no. 60284-A.)**

Sample jars of prepared mustard taken from the shipment involved in this case were found to contain less than 1 pound, the declared weight.

On May 14, 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 five cases of prepared mustard at La Grande, Oreg., alleging that the article had been shipped in interstate commerce on or about April 13, 1934, by the Rogers Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Case) "1 Dozen 16 Oz."; (jar) "Contents 16 Oz. Rogers Prepared Mustard. \* \* \* The Rogers Company, Seattle."

It was alleged in the libel that the article was misbranded in that the statements on the case and jar, respectively, and "16 Oz.", "Contents 16 Oz.", 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 July 6, 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.*

**22782. Adulteration and misbranding of honey. U. S. v. 20 Jars, et al., of Honey. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32719. Sample nos. 67727-A to 67730-A, incl.)**

This case involved a shipment of four lots of alleged honey which consisted of a mixture of honey and commercial invert sugar. Samples taken from the 3-pound, 22-ounce, and 16-ounce sizes were found to contain less than declared. The jars containing the fourth lot bore no declaration of the quantity of the contents; the declarations on the 22-ounce and the 16-ounce sizes were not made in terms of the largest unit.

On May 17, 1934, the United States attorney for the Southern 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 twenty 3-pound jars, thirty 8-ounce jars, twenty-three 22-ounce jars, and forty-five 16-ounce jars of honey at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Sun Rise Honey Co. (Isidor Spector), from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Three of the lots were labeled in part: "Sun-Rise Pure Bee Honey N. W. 3 lb. [or "16 oz." or "22 oz."] Packed by Sun Rise Honey Co. Newark, N. J., Guaranteed absolutely pure honey as gathered by the bees from flowers and blossoms. No sugar or other ingredients added." The label on the fourth lot had become detached.

It was alleged in the libel that the article, with the exception of the 8-ounce jars, was adulterated in that a mixture of honey and commercial invert sugar had been substituted for honey, which the article purported to be.

Misbranding was alleged with respect to all lots for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to all lots, with the exception of the 8-ounce size, for the further reason that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: "Pure Bee Honey \* \* \* Guaranteed Absolutely Pure Honey as gathered by the bees from flowers and blossoms \* \* \* No sugar \* \* \* added. N. W. 3 Lb. [or "N. W. 22 Oz." or "N. W. 16 Oz.]." Misbranding of all lots 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 statements on all lots, with the exception of the 8-ounce size were incorrect, the statements on the 22-ounce and the 16-ounce sizes were not made in terms of the largest unit, and no statement of the quantity of the contents appeared on the label of the 8-ounce size.

On June 15, 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.*