

23918. Adulteration of canned raspberries. U. S. v. 39 Cans of Raspberries. Default decree of condemnation and destruction. (F. & D. no. 33145. Sample no. 4309-B.)

This case involved an interstate shipment of canned raspberries that were found to be decomposed.

On July 30, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cans of raspberries at Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about June 7 and 16, 1934, by E. Guckenheim Bakers Supply Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Red Ring Brand Black Raspberries Guaranteed and Distributed by S. E. Comstock Canning Co. * * * Newark, N. Y." The remainder was labeled: "Lawrence Brand Michigan Heavy Pack Black Raspberries * * * Packed by Lawrence Packing Company Lawrence, Michigan."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23919. Misbranding of canned tomatoes. U. S. v. 894 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33152. Sample no. 4126-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by this Department because of poor color, and that were not labeled to indicate that they were substandard.

On July 31, 1934, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 894 cases of canned tomatoes at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 23, 1934, by Angelo Glorioso (Mississippi Canning Co.), from Crystal Springs, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Eagle Brand Standard Tomatoes * * * packed by A. Glorioso of New Orleans, La."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of poor color, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement on the label, "standard", was false and misleading and tended to deceive and mislead the purchaser.

On October 20, 1934, A. Glorioso having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

23920. Misbranding of cane and maple sirup. U. S. v. 3,599 Cans and 804 Cartons of Sirup. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 33154, 33533. Sample nos. 1736-B, 5081-B, 11976-B.)

These cases involved interstate shipments of a product consisting of a mixture of sugar sirup and maple sirup which contained appreciably less maple sirup than declared on the label. One of the shipments was also found to be short volume.

On or about August 3 and September 22, 1934, the United States attorneys for the District of Maryland and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 3,599 cans of sirup at Perry Point, Md., and 804 cartons, each containing 6 cans of sirup, at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 25 and June 30, 1934, by Austin Nichols & Co., Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Giroux Brand Pancake and Waffle Syrup