

25724. Adulteration of cheese. U. S. v. 1 Wheel of Swiss Cheese. Default decree of condemnation and destruction. (F. & D. no. 37179. Sample no. 55653-B.)

This case involved an interstate shipment of so-called Swiss cheese that was deficient in fat.

On February 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one wheel of so-called Swiss cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 2, 1936, by the Ackerman-Abplanalp Co., from Monroe, Wis., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance deficient in fat had been substituted in whole or in part for the article.

On April 3, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25725. Adulteration and misbranding of process Limburger cheese. U. S. v. 35 Cartons, et al., of Process Limburger Cheese. Default decree of condemnation and destruction. (F. & D. no. 37185. Sample nos. 42661-B, 42662-B, 42663-B.)

This case involved interstate shipments of Limburger cheese that contained portions of insects and rodent hairs.

On February 13, 1936, 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 235 cartons each containing 12 jars of process Limburger cheese at Jersey City, N. J., alleging that the article was shipped in interstate commerce on or about December 26, 1935, and January 2 and January 13, 1936, by the Borden Sales Co., Inc., from Buffalo, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The jars of the article in two of the three lots were labeled: "Borden's Buffalo Brand Limburger Spread New York State Cheese Net Wt. 6 Oz. Spreads like Butter Made by Hasselbeck Cheese Company The Borden Sales Company, Inc., New York, Chicago, San Francisco, Distributors." The jars of the article in the remaining lot were labeled: "Borden's Buffalo Brand Limburger Spread Made in New York State Net Wt. 6 Oz. Pasteurized Process Cheese Made for Borden Quality Inc. By Borden Cheese Co., Inc. The Borden Sales Company, Inc. New York, Chicago, San Francisco, Distributors."

The article in all of the three lots was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

The article in the two lots first mentioned was alleged to be misbranded in that the statement, "New York State Cheese", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to process cheese.

On March 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25726. Misbranding of canned peas. U. S. v. 142 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 37202. Sample no. 65546-B.)

This case involved an interstate shipment of canned peas that fell below the standard established by the Department of Agriculture because of the presence of an excessive proportion of ruptured peas, and the product was not labeled to indicate that it was substandard.

On February 19, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 142 cases of canned peas at Providence, R. I., alleging that the article had been shipped in interstate commerce, on or about January 10, 1936, by Charles G. Summers, Jr., from Baltimore, Md., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Pacco Delicious Brand Early June Peas Contents 1 Lb. 4 Oz. Pennsylvania Canning Co. Cannery New Freedom, Pa."

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 for such canned food, for the reason that the peas were not imma-

ture, since more than 25 percent thereof were ruptured, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25727. Misbranding of confectionery. U. S. v. 23 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. & D. no. 37212. Sample no. 54102-B.)

This case involved an interstate shipment of confectionery the packages of which were short in weight.

On February 17, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 18, 1935, by Diamant, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Twin Bars It's Ahead O'time So Distinctive 5¢ Milk Chocolate Roasted Nuts Net Weight 2 Oz. Diamant Inc. Chicago, Ill."

The article was alleged to be misbranded (a) in that the statement "Net Weight 2 Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to the packages of a product containing less than 2 ounces; and (b) in that the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof, since the quantity stated was not correct.

On March 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25728. Adulteration and misbranding of Molaska Granul Molasses. U. S. v. 35 Bags of a Product labeled "Molaska Granul Molasses." Default decree of condemnation and destruction. (F. & D. no. 37217. Sample no. 8348-B.)

This case involved an interstate shipment of an article, labeled "Molaska Granul Molasses", which contained ground cacao shells.

On February 15, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bags of a product, labeled "Molaska Granul Molasses", at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by the Drimolass Refining Corporation, from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated (a) in that cacao shells had been mixed and packed with the article so as to lower, reduce, or injuriously affect its quality, and (b) in that cacao shells had been substituted in part for dried molasses, which the article purported to be.

The article was alleged to be misbranded in that the statement "Granul Molasses", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing cacao shells.

On March 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25729. Adulteration and misbranding of tomato juice. U. S. v. 137 Cases and 90 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. nos. 37223, 37224. Sample nos. 49345-B, 49346-B.)

These cases involved interstate shipments of canned tomato juice which contained excessive mold and was in whole or in part decomposed, and the cans of which were short in volume.

On or about February 19, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 137 cases and 90 cases, respectively, of canned tomato juice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 30 and November 9, 1935, by the Robinson Canning Co., from Siloam Springs,