

as amended. The article was labeled in part: "Contents 12 Ozs. Net When Packed * * * Manufactured for A. Wahking & Sons, Louisville, Ky."

It was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net When Packed," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in 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, since the quantity was not stated correctly.

On December 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be turned over to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28064. Adulteration and misbranding of cocktail fruit juice. U. S. v. 10 Cartons of Cocktail Fruit Juice (and 1 other seizure action). Default decrees of condemnation and destruction. (F. & D. Nos. 40225, 40228. Sample Nos. 21070-C, 48505-C.)

These products were labeled to indicate that they were lemon juice; whereas they were artificially colored acid mixtures, containing in one instance less than 15 percent of lemon juice and in the other little or no lemon juice.

On August 31, 1937, the United States attorneys for the District of Massachusetts and the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 10 cartons of cocktail fruit juice at Boston, Mass., and 10 cartons of a similar product at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about August 17, 1937, by the Castle Products Co., Inc., from Irvington, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. One product was labeled in part: "Tomahawk Brand Cocktail Fruit Juice Lemon * * * Castle Products, Inc., Newark, N. J."; the other was labeled in part: "Banner Brand Cocktail Fruit Juice * * * Bottled Expressly for Banner Bros. Washington, D. C. Lemon."

The articles were alleged to be adulterated in that they were mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser since they implied that the articles were pure lemon juice, whereas they were not, one consisting of a mixture of acid, water, citrus oil, artificial color, and less than 15 percent of lemon juice and the other consisting of a mixture of water, acid, artificial color, and fruit pulp, containing little or no lemon juice: (Tomahawk brand) "Fruit Juice Lemon Use As the Juice of Fresh Fruit * * * Use whenever lemon juice is desired. Two tablespoons are equal to the juice of one lemon. Contains the juice of tree-ripened, California-squeezed lemons"; (Banner brand) "Cocktail Fruit Juice Use as the juice of Fresh Fruit Contains Natural Fruit Juice * * * Lemon." They were alleged to be misbranded further in that they were imitations of and offered for sale under the distinctive name of another article, namely, lemon juice. They were alleged to be misbranded further in that the statements of composition, (Tomahawk brand) "Contains the juice of tree-ripened California squeezed lemons. Flavor, fruit acid, cert. color and $\frac{1}{10}$ of 1% sodium benzoate added" and (Banner brand) "Contains Natural Fruit Juice, Fruit Acid, Certified Color and $\frac{1}{10}$ of 1% Benzoate of Soda"; were misleading and tended to deceive and mislead the purchaser since the former contained 85 percent of water and the latter contained about 95 percent of water, and the water was not declared.

On October 11 and 18, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28065. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40243. Sample Nos. 34077-C, 34078-C.)

This product contained less than 80 percent of milk fat.

On or about August 19, 1937, 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 42 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate