

4936. Adulteration and misbranding of evaporated apples. U. S. * * *
v. 15 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7115. I. S. No. 11033-I. S. No. C-412.)

On December 13, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 48 packages, of evaporated apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped, on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The retail packages were labeled: "Gold Ribbon Brand Choice Evaporated Apples, Weight of package Fourteen Oz Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, water, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof, and which had been substituted in part for the said article, in that the said article contained 31.75 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture. Adulteration was alleged for the further information that the article consisted in part of a decomposed vegetable substance and was sour and moldy on account of the excessive water therein contained.

Misbranding was alleged for the reason that the article was in package form and the correct quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages in terms of weight, there being an average shortage of 7.32 per cent of evaporated apples in the packages which, according to the labels thereon, were marked as containing 14 ounces net when packed, and were therefore, misbranded in that they failed to bear a correct statement of the quantity of the contents therein, the contents of the packages being less than the quantity shown by the said label.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*