165. Misbranding of assorted chocolates. U. S. v. 25⅓ Dozen and 44⅓ Dozen Boxes of Assorted Chocolates. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 21408. I. S. Nos. 12546-x, 12555-x. S. No. W-2049.)

On November 25 and December 11, 1926, respectively, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 69⅔ dozen boxes of assorted chocolates, remaining in the original unbroken packages at Denver, Colo., consigned by the Potter Confectionery Co., Cambridge, Mass., alleging that the article had been shipped in interstate commerce from Cambridge, Mass., into the State of Colorado, on or about October 14, 1926, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (carton) "½ lb. Alton Packages of Assorted Chocolates. Mfd. by Potter Confectionery Co. Cambridge Mass.," (box) "The Alton Package of Chocolates. Half Pound Net Weight. Man'f'd By Chanteclair Chocolate Co. Cambridge, Mass."

Misbranding of the article was alleged in the libels for the reason that the statement, "Half pound net weight," borne on the label, was false and misleading and deceived and misled the purchaser, since the net contents of each of the boxes was less than ½ pound. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was incorrect.

On May 15, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

166. Adulteration of oranges. U. S. v. 360 Boxes of Oranges. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21706. I. S. No. 7816-x. S. No. E-6026.)

On March 4, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 360 boxes of oranges, at Washington, D. C., alleging that the article had been shipped from Blanton, Fla., February 23, 1927, and transported from the State of Florida into the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (case) "J. E. Montgomery, Inc., Tampa, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On April 1, 1927, J. E. Montgomery, Inc., Tampa, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

167. Adulteration of tomato puree. U. S. v. 45 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21913. I. S. No. 13867-x. S. No. E-6132.)

On May 11, 1927, 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 of the United States for said district a libel praying seizure and condemnation of 45 cases of tomato puree, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Tennent Products Co., from Freehold, N. J., on or about January 5, 1927, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tennent Brand Tomato Puree * * * 8 Ozs. 8 Ozs. Net Weight Manufactured by Tennent Products Co., Inc. Freehold, N. J."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.