18708. Misbranding of dried buttermilk. U. S. v. 400 Bags of Dried Buttermilk. Consent decree of condemnation entered. Product ordered released to be labeled. (F. & D. No. 26755. I. S. No. 23803. S. No. 4714.)

Examination of dried buttermilk from the interstate shipment herein described having shown that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, i. e., the bags containing the article, the matter was reported to the United States attorney for the District of Kansas by an official of the State of Kansas, commissioned by the Secretary of Agriculture.

One or about April 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 bags of dried buttermilk, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the Consolidated Products Co., Chicago, Ill., from Sioux City, Iowa, on or about February 6, 1931, and had been transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags bore no mark, brand, or label of any kind showing the net weight of the contents.

On June 3, 1931, the Consolidated Products Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be labeled to show the quantity of the contents, and that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18709. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 24½ Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26366. I. S. No. 12446. S. No. 4692.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the cans contained less than the volume declared on the label, also that the article contained added sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24½ cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Holly Hill Fruit Products (Inc.), Davenport, Fla., on or about March 13, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Holly Hill Florida Grapefruit Juice Contents 8 Fluid Oz."

It was alleged in the libel that the article was adulterated in that a substance, grapefruit juice with added sugar sirup, has been substituted for the said article.

Misbranding was alleged for the reason that the statements on the label, "Grapefruit Juice" and "Contents 8 Fluid Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was 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 June 15, 1931, the Kelley-Clarke Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of $100, or the deposit of cash collateral in like amount, conditioned that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*