

20218. Adulteration and misbranding of coffee. U.S. v. 22 Bags, et al., of Coffee. Default decree of forfeiture and destruction. (F. & D. no. 24169. I.S. nos. 020456, 020457. S. no. 2391.)

This action involved the shipment of a quantity of coffee which was found to consist largely of coffee chaff.

On October 23, 1929, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bags, each containing 50 pounds, and 47 cases, each containing twenty-four 1-pound bags, of coffee, remaining in the original unbroken packages at Texarkana, Ark., alleging that the article had been shipped in interstate commerce in part on August 29, 1929, and in part on September 7, 1929, by the Maury-Cole Co., from Memphis, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Bags) "Steel Cut Ground Maury-Cole Co., Inc., * * * Sunrise Brand Roasted Coffee, Memphis, Dallas, Louisville." The remainder of the said article was labeled in part: (Bags) "Steel Cut Ground Tiger Brand * * * Coffee Roasted and Packed by Maury-Cole Co."; (seal) "This seal is a guarantee of purity."

It was alleged in the libel that the article was adulterated in that coffee chaff had been mixed with the said article.

Misbranding was alleged for the reason that the statements, "Steel cut ground coffee," and "This seal is a guarantee of purity" (with respect to a portion) 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.

On October 15, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20219. Misbranding of marmalade, apple butter, jam, and preserves. U.S. v. 28 Cases of Orange Marmalade, et al. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 28823. Sample nos. 6326-A-6330-A. incl., 6332-A-6335-A, incl.)

This action involved quantities of marmalade, apple butter, jam, and various fruit preserves, sample jars of which were found to contain less than the declared weight.

On August 29, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 cases of orange marmalade, 9 cases of apple butter, 49 cases of grape jam, and 210 cases of raspberry, pineapple, apricot, and peach preserves, remaining in the original unbroken packages at Omaha, Nebr., alleging that the articles had been shipped in interstate commerce on or about February 19, 1932, by Pantry Maide Products Co., from Westfield, N.Y., to Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were all labeled "Pantry Maide", and were further labeled, variously: "Pure Orange Marmalade, Net Wt. 12 Oz."; "Pure Apple Butter, Net Wt. 15 Oz."; "Pure Grape Jam, Net Wt. 12 Oz."; "Pure Raspberry Preserves, Net Wt. 12 Oz."; "Pure Strawberry Preserves, Net Wt. 1 Lb."; "Pure Raspberry Preserves, Net Wt. 1 Lb."; "Pure Pineapple Preserves, Net Wt. 12 Oz."; "Pure Apricot Preserves, Net Wt. 12 Oz."; "Pure Peach Preserves, Net Wt. 12 Oz."

It was alleged in the libel that the articles were misbranded in that the statements of weight appearing on the labels, namely, "Net Wt. 12 Oz.", "Net Wt. 15 Oz.", and "Net Wt. 1 Lb.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On September 15, 1932, the Pantry Maide Products Co., Inc., Westfield, N.Y., 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 products be released to the said claimant upon payment of costs and the execution of a bond in the sum of