

tained less ammonia, less crude protein, and more crude fiber than labeled. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, cottonseed meal.

On October 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**20294. Misbranding of canned grapefruit juice. U.S. v. 106 Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 28715. Sample no. 1681-A.)**

This action involved the interstate shipment of a quantity of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On August 17, 1932, the United States attorney for the Western District of Washington, 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 106 cases of canned grapefruit juice, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 5, 1932, by the De Soto Canning Co., from Tampa, Fla., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bert Marshall's 100% Pure \* \* \* Grapefruit Juice \* \* \* Packed by De Soto Canning Co., Arcadia, Florida, Contents 11 Fl. Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 11 Fluid Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On October 27, 1932, the De Soto Canning Co., Arcadia, 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 costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act, and all other laws.

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

**20295. Adulteration of caraway seed. U.S. v. 3 Bags of Caraway Seed. Consent decree of condemnation and destruction. (F. & D. no. 28702. Sample no. 8845-A.)**

This action involved the interstate shipment of a quantity of caraway seed which contained insect and rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, 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 three bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 18, 1932, by Wood & Selick, Inc., from New York, N.Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Holland."

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

On October 15, 1932, no claim having been made for the property, and the consignee having consented to the entry of an order of destruction, judgment of condemnation 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.*

**20296. Adulteration and misbranding of assorted fruit pectin jellies. U.S. v. C. H. Musselman Co. Plea of guilty. Fine, \$100. (F. & D. no. 26651. I.S. nos. 5953, 5954, 5955, 5956, 5957, 14563, 14564, 14565, 14566.)**

This action was based on several shipments of strawberry, currant, raspberry, and grape fruit pectin jellies which consisted of mixtures composed of pectin, sugar, and water with little or no fruit juices present and which, with

the exception of the grape jelly, contained undeclared added acid. All products, and a shipment of apple jelly also covered by the case, were short weight.

On March 24, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipments by said company in violation of the Food and Drugs Act as amended, on or about May 29, June 26, and August 21, 1930, from the State of Pennsylvania into the State of Florida of quantities of fruit pectin jellies which were misbranded and which, with the exception of the apple jelly, were also adulterated. The apple jelly was labeled in part: (Glass) "Musselman's Brand [design of apples], Pure Apple Jelly \* \* \* net contents 6 ounces." The remaining products were labeled: (Glasses) "Musselman's Brand [Designs of strawberries, currants, raspberries, or grapes] Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly Manufactured by the C. H. Musselman Co. Biglerville, Pa. Net Contents 6 Ounces [or "Net Contents 16 ounces"]."

Adulteration of the strawberry, currant, and raspberry jellies was alleged for the reason that mixtures composed of pectin, sugar, and water and which contained undeclared added acid and little or no fruit juices, had been substituted for fruit pectin strawberry, currant, and raspberry jellies which the articles purported to be. Adulteration of the grape jelly was alleged for the reason that a mixture composed of pectin, sugar, and water and which contained little or no grape juice had been substituted for the said article.

Misbranding of the said strawberry, currant, raspberry, and grape jellies was alleged for the reason that the statements "Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly" and the designs of strawberries, currants, raspberries, and grapes, borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and designs represented that the articles consisted wholly of fruit pectin jellies; whereas they consisted of mixtures composed of pectin, sugar, and water containing little or no fruit juices, and with the exception of the grape jelly also contained added acid. Misbranding was alleged with respect to the said jellies and also the apple jelly for the reason that the statements, "Net Contents 6 Ounces" and "Net Contents 16 Ounces", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the glasses contained less than so labeled. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On October 21, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**20297. Adulteration and misbranding of cane sirup. U.S. v. Arthur O. Cunningham. Plea of guilty. Imposition of sentence suspended.**  
(F. & D. no. 28129. I.S. nos. 36631, 36632, 36633, 36634.)

This action involved the interstate shipment of a quantity of, alleged cane sirup which contained added, undeclared sugar sirup and glucose. The article was shipped in cans, some of which contained less than the declared volume. The charges in the information based on the alleged shortage in volume were, however, dismissed.

On August 2, 1932, 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 the district aforesaid an information against Arthur O. Cunningham, Lafayette, La., alleging shipment by said defendant on or about July 16, 1931, from the State of Louisiana into the State of Mississippi, of a quantity of cane sirup, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Open Kettle Pure Cane Syrup Packed by A. O. Cunningham, \* \* \* Lafayette, La." Portions of the article were further labeled: "3 Qts. 8 Fld. Ozs." or "16 Fld. Ozs."

It was alleged in the information that the article was adulterated in that added and undeclared substances, glucose and sugar sirup, had been mixed and