

packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup, which the article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cane Syrup", borne on the labels of the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not composed solely of pure cane sirup, but was composed largely of added, undeclared glucose and sugar sirup. It was further alleged in the information that the article was misbranded in that the statement "16 Fld. Ozs.", borne on some of the cans, and the statement "3 Qts. 8 Fld. Ozs.", borne on some of the cans, were false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since some of the cans contained less than declared.

On October 27, 1932, the defendant entered a plea of guilty to the information. The court having announced that he would not consider the short-weight feature of the case, it was ordered that the charges in the information based on the alleged shortage in weight be dismissed, and after admonishing the defendant, suspended the imposition for a period of 5 years.

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

20298. Misbranding of canned kidney beans and canned pumpkin. U.S. v. 15 Cases of Canned Kidney Beans, et al. Products released under bond to be relabeled. (F. & D. nos. 28455, 28456. Sample nos. 2404-A, 2405-A.)

This action involved the interstate shipment of a quantity of canned kidney beans and a quantity of canned pumpkin, samples of which were found to be short of the declared weight.

On July 11, 1932, the United States attorney for the Northern District of Texas, 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 15 cases of canned kidney beans and 46 cases of canned pumpkin, remaining in the original packages at Amarillo, Tex., alleging that the articles had been shipped on or about February 20, 1932, by the Otoe Food Products Co., from Nebraska City, Nebr., to Amarillo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Blue and White Brand Red Kidney Beans, Contents 1 Pound"; (can) "Red and White Brand Golden Pumpkin, Net Weight 1 Pound."

It was alleged in the libel that the articles were misbranded in that the statements, "Contents 1 Pound" and "Net Weight 1 Pound", appearing on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than 1 pound. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements were incorrect.

The Brown Bros. Brokerage Co., Denver, Colo., claimant, filed an answer admitting the allegations of the libel and praying release of the products under bond. On September 3, 1932, bond in the sum of \$500 having been filed conditioned that claimant pay costs and that the goods would not be exposed for sale until properly relabeled, judgment was entered approving the bond and ordering the products released to the claimant.

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

20299. Misbranding of pepper. U.S. v. 150 Cartons, et al., of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28600. Sample nos. 14380, 14381.)

This action involved the interstate shipment of quantities of black pepper, sample packages of which were found to contain less than the declared weight.

On August 6, 1932, the United States attorney for the District of Maryland, 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 150 cartons and 22 cartons of black pepper, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by the Hudson Tea & Spice Co., from New York, N.Y., to Baltimore, Md., and charging mis-