On January 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled in conformity with the food and drugs act as amended, and that it be sold at public auction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19251. Adulteration and misbranding of Choclat-Nuga. U. S. v. Walter F. Seidel and Louis Seidel (Ad. Seidel & Sons). Pleas of guilty. Fine, $300. (F. & D. No. 19633. I. S. No. 18910–V.)

Examination of samples of Choclat-Nuga showed that the article consisted of cocoa, a product from which chocolate fat had been in whole or in part extracted, to which cocoanut oil had been added to replace the fat so extracted.

On May 12, 1925, the United States attorney for the Northern District of Illinois, 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 Walter F. Seidel and Louis Seidel, copartners, trading as Ad. Seidel & Sons, Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 19, 1924, from the State of Illinois into the State of Indiana, of a quantity of Choclat-Nuga which was adulterated and misbranded. The article was labeled in part: "Choclat-Nuga A Superior Icing Substance Guaranteed * * * Ad. Seidel & Sons. Manufacturing Food Chemists, Importers, * * * Chicago."

It was alleged in the information that the article was adulterated in that a substance, composed of cocoanut oil and cocoa powder deprived of a portion of its fat, had been substituted for "Choclat-Nuga A Superior Icing Substance Guaranteed," which the said article purported to be. Adulteration was alleged for the further reason that cocoa butter, a valuable constituent of a chocolate product which the article purported to be, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of another article, to wit, chocolate. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, chocolate. Misbranding was alleged for the further reason that the statement, to wit, "Choclat-Nuga A Superior Icing Substance Guaranteed," borne on the label, was false and misleading in that the said statement represented the article to be chocolate; and for the further reason that it was labeled, as aforesaid, so as to deceive and mislead the purchaser into the belief that it was chocolate; whereas it was not chocolate but was an article composed of a mixture of cocoanut oil and cocoa powder.

On December 16, 1931, defendants entered pleas of guilty to the information and the court imposed a fine of $300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19252. Adulteration of dates. U. S. v. 36 Cartons of Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27294. I. S. No. 31701. S. No. 5478.)

Examination of samples of dates from the shipment herein described having shown the product to be wormy and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 8, 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 36 cartons of dates, remaining in the original unbroken packages at Denver, Colo., consigned by Capitol Candied Nuts (Inc.), New York, N. Y., alleging that the article had been shipped October 9, 1931, from New York City, N. Y., and had been transported in interstate commerce from the State of New York into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Cellophane Date Packages. Capitol Candied Nuts Inc., New York City;" (retail packages) "Imported Dates."

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

On January 14, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*