

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which rendered it harmful to health.

On January 9, 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.*

19323. Adulteration of cabbage. U. S. v. 415 Hampers, et al., of Cabbage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27589, 27597. I. S. Nos. 42617, 43673. S. Nos. 5624, 5641.)

Arsenic having been found on the cabbage in the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On December 21 and December 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 870 hampers of cabbage at Jersey City, N. J., alleging that the article had been shipped by the Indian River Fruit Growers from Wabasso, Fla., in part on or about December 12, 1931, and in part on or about December 15, 1931, and had been transported in interstate commerce from the State of Florida into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On December 30, 1931, no claim for the property having been interposed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19324. Misbranding of crab meat. U. S. v. Tom Ozio (Ozio Fisheries). Plea of guilty. Fine, \$25. (F. & D. No. 26601. I. S. No. 13859.)

Sample cans of crab meat, labeled as containing 1 pound, having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On September 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Tom Ozio, trading as Ozio Fisheries, Morgan City, La., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 3, 1930, from the State of Louisiana into the State of Illinois, of a quantity of crab meat that was misbranded. The article was labeled in part: (Shipping box) "100 Lbs. White Crabmeat;" (can) "Ozio Brand Crab Meat * * * One Pound Net * * * Ozio Fisheries Morgan City, La."

It was alleged in the information that the article was misbranded in that the statement "100 Lbs. White Crabmeat," borne on the tag attached to the said box, and the statement, to wit, "One Pound Net," borne on the cans containing the article, were false and misleading in that the said statements represented that the box contained 100 pounds, and that the cans each contained 1 pound of crab meat; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said box contained 100 pounds, and that the cans each contained 1 pound of crab meat; whereas the box contained less than 100 pounds of the article, and most of the cans contained less than 1 pound of the article. 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 the packages contained less than represented.

On December 8, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19325. Adulteration of ground thyme. U. S. v. Margaret Jamison and Martha A. Jamison (Arbuckle Bros.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 26638. I. S. No. 25979.)

Samples of ground thyme from the shipment herein described having been found to contain sand and other mineral matter, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Illinois.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Margaret Jamison and Martha A. Jamison, copartners, trading as Arbuckle Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 26, 1931, from the State of Illinois into the State of Indiana, of a quantity of ground thyme that was adulterated. The article was labeled in part: "Grd. Thyme * * * From Arbuckle Brothers Chicago, Ill."

It was alleged in the information that the article was adulterated in that substances, to wit, sand and other excessive mineral matter, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for ground thyme, which the said article purported to be.

On February 23, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19326. Misbranding of canned orange juice and canned grapefruit juice. U. S. v. 132 Cartons of Canned Orange Juice, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 26990. I. S. Nos. 34140, 34141. S. No. 5195.)

Sample cans of orange juice and grapefruit juice from the shipments involved in this action having been found to contain less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On September 25, 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 132 cartons of canned orange juice and 101 cartons and 10 wooden cases of canned grapefruit juice, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped in part on or about June 8, 1931, and in part on or about June 13, 1931, by the Florida Citrus Products Corporation, from Tampa, Fla., and had been transported in interstate commerce from the State of Florida into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The orange juice was labeled in part: (Cans) "Honey Moon Brand 100% Pure Orange Juice Contents Not Less Than 56 Fl. Oz. * * * Florida Citrus Products Corporation Lakeland Fla." The grapefruit juice was labeled in part: (Cans) "Honey Moon Brand Grapefruit Juice Unsweetened * * * Contents 56 Fluid Ozs." The label of the grapefruit juice bore the statements partly obliterated: "Recommended in place of fresh juice for Diabetes, Acidity, Influenza, Obesity, etc. Contains vitamins A, B, and C. Natural Strength."

It was alleged in the libel that the articles were misbranded in that the statements on the can labels, "Contents Not Less Than 56 Fl. Oz." and "Contents 56 Fluid Ozs.," were false and misleading and deceived and misled the purchaser, since the cans contained less than so represented. 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 cans contained less than represented.

On February 16, 1932, the Florida Citrus Products Corporation, Lakeland, 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 products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000. The bond was conditioned that the products be relabeled by obliterating from the respective labels the statements, "56 Fl. Oz." and "56 Fluid Ozs.," and substituting therefor the statement "1½ Quarts," and by obliterating from the label of the grapefruit juice all reference to the names of diseases and vitamins.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19327. Adulteration of canned blackberries. U. S. v. 1,250 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27193. I. S. No. 12783. S. No. 5371.)

Samples of canned blackberries from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.