

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

JUNE, 1914.

SUPPLEMENT.²N. J. 3242-3331.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3242. Misbranding of apples. U. S. v. 1800 Boxes of Apples. Product ordered released on bond. (F. & D. No. 5508. S. No. 2071.)

On December 1, 1913, the United States attorney for Oregon filed in the District Court of the United States for said district a libel and amended libel for the seizure and condemnation of 1800 boxes of apples, remaining unsold in the original unbroken packages and in possession of the Spokane, Portland, and Seattle Railway Co. at their yards at Portland, Oreg., alleging that the product had been shipped on or about November 26, 1913, by Eugene Kuhne, Underwood, Wash., and transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act. Six hundred of the boxes were labeled: "Spitzenbergs; Extra Fancy; White Salmon Valley, Underwood, Washington; Columbia River; Hood River; Oregon; Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington." Six hundred of the boxes were labeled: "Red Cheeks, Extra Fancy, White Salmon Valley, Underwood, Washington, Columbia River, Hood River, Oregon, Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington." Six hundred of the boxes were labeled: "Yellow Newtons, Extra Fancy, White Salmon Valley, Underwood, Washington, Columbia River, Hood River, Oregon, Hood River Valley Apple Growers Union of the White Salmon Valley, Underwood, Washington."

Misbranding of the product was alleged in the libel for the reason that the apples in said boxes were not Spitzenbergs, extra fancy, Red Cheeks, extra

¹ In conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by various branches of the department, as prescribed by the Acting Secretary of Agriculture in memorandum No. 57, dated December 26, 1913, this publication is issued monthly by the Bureau of Chemistry. It covers approximately the month for which it is dated, and each month's issue is expected to appear during the succeeding month. Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each, or 50 cents a year.

² Owing to the large accumulation of Notices of Judgment now awaiting publication, the plan of issuing supplements to the Bureau of Chemistry Service and Regulatory Announcements has been adopted. Such supplements will be published in the future whenever it is necessary to issue an excessive number of Notices of Judgment.

fancy, or Yellow Newtons, extra fancy, respectively, and were not packed or shipped by the Apple Growers Union, Underwood, Washington.

On December 9, 1913, the case having come on for hearing, it was ordered by the court, upon motion of the assistant United States attorney, that the product should be released and delivered to the said Eugene Kuhne, claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, conditioned that the said apples should not be sold or disposed of except in accordance with the laws of any State, Territory, District, or insular possession of the United States.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3243. Misbranding of macaroni product. U. S. v. 100 Boxes of Macaroni Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5511. S. No. 2075.)

On January 8, 1914, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 boxes, each containing 25 pounds, more or less, of macaroni product, remaining unsold in the original unbroken packages at 902 South Seventh St., and elsewhere, Philadelphia, Pa., alleging that the product had been shipped on or about December 22, 1913, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "White Star of Italy Gragnano style near Napoli (picture of star) (picture of factory) Trade mark Manufactured by Antonio Ciricola Artificial Coloring Guaranteed by the Pure Food Act June 30th, 1906. Serial No. 52687"

Misbranding of the product was alleged in the libel for the reason that it was labeled so as to deceive and mislead the purchaser, in that the boxes containing the article of food each bore a label as set forth above, the words "Gragnano" and "Napoli" being in large and conspicuous letters, and the words "style near" being in small and inconspicuous letters, so that the purchaser would be deceived and misled into believing that said article was made at Gragnano near the city of Naples in the kingdom of Italy, whereas, in truth and in fact, the said article of food was not made at Gragnano near the city of Naples in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the product was labeled so as to purport to be a foreign product when not so, in that each of said boxes bore a label in character as aforesaid, by virtue of which the said article purported to have been made at Gragnano near the city of Naples, in the kingdom of Italy, whereas, in truth and in fact, the said article had not been made at Gragnano, near the city of Naples, in the kingdom of Italy, but had been produced in the city of Wilmington, in the State of Delaware, in the United States of America. Misbranding was alleged for the further reason that the label on each of the boxes containing the article of food bore a statement, to wit, "Guaranteed by the Pure Food Act June 30th, 1906," which said statement was false and misleading in this particular, to wit, in that the purchaser would be deceived and misled into believing that the pureness and origin of the said article of food were guaranteed by the United States Government instead of being guaranteed by the manufacturers of the same under the provisions of the Pure Food Act of June 30, 1906, whereas, in truth and in fact, the pureness and origin of said article of food were guaranteed only by the manufacturers of the same under the provisions of said act.