contained thereon, it would not be required to inform the public of the pepper that was added. Nor can the claimant be absolved from the restrictions of the act because it uses a distinctive name in marketing this product. It will be observed that the act specifically provides with reference to the use of distinctive names that it 'Shall not lead the purchaser to suppose that the product is other than it is.'

"The court has given a liberal construction to the act, both in regard to the provisions of adulteration and misbranding. It may be that the situation presented is not particularly aggravated in that the adulteration does not consist of a harmful ingredient, but in considering the purposes of the statute, it would seem that the Government's contentions must be sustained. One may observe in passing that to some persons red pepper may have a deleterious effect, particularly in that they may have an allergy for that substance. But whether the adulteration is harmful or not, the purchaser, in view of all the circumstances, is entitled to know whether he is obtaining pure Cheddar cheese, as the label indicates, or Cheddar cheese with an adulterated flavor.

"Let this memorandum be made a part of the foregoing findings of fact and conclusions of law."

On February 5, 1938, the product having deteriorated so as to be valueless, judgments were entered ordering its destruction. The claimant noted an appeal from the judgment but by agreement the appeal was abandoned and was formally dismissed on September 13, 1938.

M. L. WILSON, *Acting Secretary of Agriculture.*

29678. Adulteration of candy. U. S. v. 10 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43669. Sample No. 23785–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cartons of candy at Thibodaux, La.; alleging that the article had been shipped in interstate commerce on or about May 5, 1938, by Bradas & Gheens, Inc., from Louisville, Ky.; and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 8, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29679. Adulteration of candy. U. S. v. 32 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43683. Sample No. 23784–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 8, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 boxes of candy at Houma, La.; alleging that the article had been shipped in interstate commerce on or about February 7 and 24, 1938, by Bennett-Hubbard Candy Co. from Chattanooga, Tenn.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cumberland Mt. Choc. Cream Drops."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29680. Adulteration of candy. U. S. v. 8 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 43598. Sample No. 37706–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages, was at the time of examination found to be insect-infested.

On September 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the