ture, since more than 25 percent thereof were ruptured, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On March 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25727. Misbranding of confectionery. U. S. v. 23 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. & D. no. 37212. Sample no. 54102-B.)

This case involved an interstate shipment of confectionery the packages of which were short in weight.

On February 17, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 18, 1935, by Diament, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Twin Bars It's Ahead O'time So Distinctive 5¢ Milk Chocolate Roasted Nuts Net Weight 2 Oz. Diament Inc. Chicago, Ill."

The article was alleged to be misbranded (a) in that the statement "Net Weight 2 Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to the packages of a product containing less than 2 ounces; and (b) in that the quantity of the contents of the package was not plainly and conspicuously marked on the outside thereof, since the quantity stated was not correct.

On March 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25728. Adulteration and misbranding of Molaska Granul Molasses. U. S. v. 35 Bags of a Product labeled "Molaska Granul Molasses." Default dedecree of condemnation and destruction. (F. & D. no. 37217. Sample no. 8348-B.)

This case involved an interstate shipment of an article, labeled "Molaska Granul Molasses", which contained ground cacao shells.

On February 15, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bags of a product, labeled "Molaska Granul Molasses", at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by the Drimolass Refining Corporation, from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated (a) in that cacao shells had been mixed and packed with the article so as to lower, reduce, or injuriously affect its quality, and (b) in that cacao shells had been substituted in part for dried molasses, which the article purported to be.

The article was alleged to be misbranded in that the statement "Granul Molasses", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing cacao shells.

On March 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25729. Adulteration and misbranding of tomato juice. U. S. v. 137 Cases and 90 Cases of Canned Tomato Juice. Default decree of condemnation and destruction. (F. & D. nos. 37223, 37224. Sample nos. 49345-B, 49346-B.)

These cases involved interstate shipments of canned tomato juice which contained excessive mold and was in whole or in part decomposed, and the cans of which were short in volume.

On or about February 19, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 137 cases and 90 cases, respectively, of canned tomato juice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 30 and November 9, 1935, by the Robinson Canning Co., from Siloam Springs,