district court a libel praying seizure and condemnation of 12 cases of sirup at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about December 13, 1936, by Evangeline Pepper & Food Products, from St. Martinville, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Country Made—Fancy Quality Pure Ribbon Cane Syrup * * * Evangeline Pepper and Food Products, St. Martinville, La., * * * 3 qts. 6 fl. ozs."

It was alleged to be misbranded in that the statement "3 qts. 6 fl. ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and said article was further alleged to be misbranded in that it 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 quantity stated was not correct.

On May 19, 1937, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

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

27183. Misbranding of sorghum-flavored sirup. U. S. v. 11 Cases of Sorghum-Flavored Sirup. Default decree of condemnation and destruction. (F. & D. no. 39052. Sample no. 13808–C.)

This product was short weight.

On February 6, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of sorghum-flavored sirup at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about September 14, 1936, by Penick & Ford, Ltd., Inc., from Harvey, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Unkle Ned Sorghum flavored syrup Net Weight 5 pounds * * * Penick & Ford, Ltd., Inc., New Orleans, La. & Cedar Rapids, Ia."

It was alleged to be misbranded in that the statement "Net Weight 5 Pounds" was false and misleading and tended to deceive and mislead the purchaser, and that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On May 19, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

27184. Adulteration and misbranding of tomato paste. U. S. v. 28 Cases of Canned Tomato Paste. Default decree of forfeiture and destruction. (F. & D. no. 39058. Sample no. 12284–C.)

This product contained excessive mold, and no basil leaf as represented on the label.

On February 6, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned tomato paste at Springfield, Mass., alleging that it had been shipped in interstate commerce on or about December 7, 1936, by Cuyler Food Products Co., from Canandaigua, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Chapin Brand * * * Pure Tomato Paste * * * Distributed by Chapin Grocery Specialties Co. Inc. Springfield, Mass. Packed with basil leaf."

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

It was alleged to be misbranded in that the statement "Packed with basil leaf" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that contained no basil leaf.

On March 19, 1937, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

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

27185. Misbranding of canned cherries. U. S. v. 54 Cases and 332 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39084. Sample no. 19448–C.)

This product was substandard because of the presence of an excessive number of pits, and it was not labeled to indicate that it was substandard.