

by the Rome Importing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Gallon [or "½ Gallon"] Superfine Olive Oil Rome Importing Co."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "Net Contents 1 Gallon", and "Net Contents ½ Gallon", were false and misleading and tended to deceive and mislead the purchaser. 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 packages, since the statement made was incorrect.

On July 5, 1934, 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.

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

22758. Misbranding of pepper. U. S. v. 38 Cases of Pepper. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution, or destroyed. (F. & D. no. 32596. Sample no. 67685-A.)

Sample packages of pepper taken from the shipment involved in this case were found to contain less than 3 ounces, the weight declared on the label.

On April 25, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of pepper at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 14, 1934, by L. E. Rogers, of Binghamton, N. Y., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Its a Rogers Product Pure Pepper 3 Ounces L. E. Rogers, Binghamton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Three Ounces", was false and misleading and tended to deceive and mislead the purchaser. 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 statement made was incorrect.

On June 30, 1934, 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 delivered to a charitable institution, and if no such institution desired the product, that it be destroyed.

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

22759. Misbranding of vinegar. U. S. v. 212 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32607. Sample nos. 59670-A, 65143-A.)

Sample bottles of vinegar taken from the shipment involved in this case were found to contain less than 1 quart, the labeled volume.

On or about April 30, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of vinegar at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3 and October 5, 1933, by the C. H. Musselman Co., of Biglerville, Pa., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 1 Quart Rosemary * * * Apple Cider Vinegar * * * Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Quart", was false and misleading and tended to deceive and mislead the purchaser. 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 statement made was incorrect.

On June 9, 1934, Samuel Kunin & Sons, Inc., Chicago, Ill., 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 product be released to the claimant upon payment