pimiento and string beans, was false and misleading and tended to deceive and mislead the purchaser, since the article contained none of those vegetables.

On July 23, 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.

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

22771. Misbranding of jellies. U. S. v. 96 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32680. Sample nos. 60865–A to 60868–A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 5 ounces, the labeled weight.

On May 4, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of assorted jellies at Cincinnati, Ohio, consigned by the C. H. Musselman Co., from Biglerville, Pa., on or about December 7, 1933, alleging that the article had been shipped in interstate commerce, from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand * * * Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa. Net Contents 5 Oz. [or "Contents 5 Oz."]."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Net Contents five ounces" or "Contents Five Ounces", 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 package, since the statement made was incorrect.

On June 2, 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.*

22772. Adulteration of egg noodles. U. S. v. 18 Cases and 5 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32681. Sample nos. 71094–A, 71095–A.)

This case involved a shipment of egg noodles which were artificially colored yellow.

On May 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of egg noodles at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 23, 1934, by Tsue Chong, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Package) "Real Chinese Made Rose Brand Fresh Egg Noodles." The remainder was labeled: (Case) "Fresh Egg Noodles * * * Rose Brand Genuine Chinese Noodles Made by Tsue Chong Co., * * * Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

On July 17, 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.*

22773. Adulteration and misbranding of whisky. U. S. v. 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32682. Sample no. 12230–A.)

This case involved artificially flavored and colored pomace and raisin brandy which was labeled "Whiskey."

On May 4, 1934, the United States attorney for District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 21 bottles of whisky at Washington, D. C., alleging that the article was in possession of Clark's, Inc., Washington, D. C., and was being