

It was alleged in the libels that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained spirituous liquor.

Misbranding was alleged with respect to two lots of the article in that the statement "Cordial Not a Confection", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged with respect to one box for the reason 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.

On April 16, May 22, and June 20, 1934, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

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

22425. Misbranding of apple butter. U. S. v. 22 Cases of Apple Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 32333. Sample no. 58943-A.)

Sample jars of apple butter taken from the shipment in this case were found to contain less than the declared weight.

On March 17, 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 22 cases of apple butter at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about November 9, 1933, by A. H. Renehan & Son, from Sykesville, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Patapsco Brand Cont. 38 Ozs. Pure Apple Butter, A. H. Renehan & Son, Sykesville, Md."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cont. 38 Ozs.", 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 packages, since the statement made was incorrect.

On April 26, 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 relabeled with the statement, "Contents 2 Lbs. 4 Oz.", and sold by the United States marshal.

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

22426. Misbranding of honey. U. S. v. 26 Cartons of Honey. Consent decree of condemnation and forfeiture. Product released under bond to be refilled to declared weight. (F. & D. no. 32337. Sample no. 66981-A.)

Sample jars of honey taken from the shipment involved in this case were found to contain less than 8 ounces, the labeled weight.

On March 19, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons of honey at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about August 16, 1933, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "H. & H. Pure Honey 8 Ounces Net Wt."

It was alleged in the libel that the article was misbranded in that the statement "8 ounces net wt.", borne on the label, 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 April 23, 1934, Preserves & Honey, Inc., 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 of costs and the execution of a bond in the sum of \$200, conditioned that the jars be filled so that they contain at least 8 ounces.

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