22514. Misbranding of canned bean sprouts. U. S. v. 22 Cases of La Choy Bean Sprouts. Decree of forfeiture. Product ordered destroyed. (F. & D. no. 32321. Sample no. 61612–A.)

Sample cans of bean sprouts taken from the shipment in this case were found to contain less than 15 ounces, the labeled weight.

On March 16, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned bean sprouts at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about September 8, 1933, by the Morey Mercantile Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 15 Ounces La Choy Bean Sprouts * * * La Choy Food Products Inc., Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement, "Contents Fifteen Ounces" borne on the label, was false and misleading and tended to mislead the purchaser; and 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 May 23, 1934, no claimant having appeared, a decree of forfeiture was entered ordering that the product be destroyed unless taken down under bond within 10 days. On July 2, 1934, the product was ordered destroyed.

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

22515. Misbranding of cocoa. U. S. v. 22 Cases of Cocoa. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 32399. Sample no. 65088–A.)

Sample cans of cocoa taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight.

On March 21, 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 22 cases of cocoa at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 4, 1934, by the K. B. Chocolate Co., from Bay City, Mich., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Trueworth * * * Pure Cocoa * * * K. B. Chocolate Co., Bay City, Michigan Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound", 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 May 19, 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 organization.

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

22516. Misbranding of olive oil. U. S. v. 20 Cans and 17 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32341. Sample nos. 67417–A, 67418–A.)

Sample cans of olive oil taken from the shipment in this case were found to contain less than the labeled volume.

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 20 gallon cans and 17 half-gallon cans of olive oil at Hoboken, N. J., alleging that the article had been shipped in interstate commerce, on or about September 6, 1933, by Cellas', 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: (Cans) "Cellas' Brand Pure Virgin Olive Oil One Gallon [or "One Half Gallon"] Labrocel Packing Co., New York."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "One Gallon" and "One Half 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