

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 10, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

22531. Misbranding of chocolates. U. S. v. 58 Boxes of Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32492. Sample no. 66998-A.)

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

On April 2, 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 58 boxes of chocolates at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 17, 1933, by Lillian Clare Chocolates, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lillian Clare Chocolates 1 Lb. Net."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net", 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 destroyed.

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

22532. Misbranding of canned pitted cherries. U. S. v. 1,000 Cases of Canned Pitted Cherries. Default decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32519. Sample no. 38497-A.)

This case involved a shipment of canned pitted cherries which fell below the standard established by this Department because of the presence of excessive pits and which were not labeled to indicate that they were substandard.

On April 9, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned pitted cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 4, 1934, by the Comstock Canneries, Inc., from Newark, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cata Red Sour Pitted Cherries Water Pack * * * Guaranteed and Distributed by Red Creek Canning Company, Red Creek, N. Y."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement as prescribed by regulation of this Department, indicating that it fell below such standard.

On May 2, 1934, the Comstock Canneries, Inc., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$2,500, conditioned that it would not be sold or otherwise disposed of in violation of the law. On May 11, 1934, the product having been relabeled, final decree was entered releasing the bond and taxing costs against the claimant.

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

22533. Adulteration of canned sweetpotatoes. U. S. v. 60 Cases of Canned Sweetpotatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32540. Sample nos. 67260-A, 67792-A.)

This case involved a shipment of canned sweetpotatoes which were under-processed and in a state of active decomposition.

On April 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 cases of canned sweetpotatoes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by Pappas Bros. & Gillies, from Egg Harbor, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "The Famous Royal Scarlet Brand Sweet Potatoes In Syrup * * * R. C. Williams & Co., Inc. Distributors, New York."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 10, 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.*

22534. Adulteration of canned shrimp. U. S. v. 240 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 32546. Sample nos. 66351-A, 68246-A.)

Samples of canned shrimp taken from the shipment in this case were found to be decomposed.

On April 14, 1934, 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 240 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 19, 1934, by the Indian Ridge Canning Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Mopaco Brand Medium Houma Wet Pack Shrimp * * * Packed by Montegut Packing Co., Inc., Montegut, La."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 22, 1934, the Montegut Packing Co., Inc., Terrebonne, La., having appeared as claimant for the property, and having admitted the allegations of the libel, 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 \$1,800, conditioned that the decomposed portion be separated and destroyed.

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

22535. Misbranding of apple butter. U. S. v. 21½ Dozen Jars and 27 Cases of Apple Butter. Default decrees of condemnation and forfeiture. Product delivered to relief organizations. (F. & D. nos. 32547, 32553. Sample nos. 52633-A, 67066-A, 67653-A.)

Sample jars of apple butter taken from the shipments in these cases were found to contain less than the labeled weight.

On April 16 and April 17, 1934, the United States attorneys for the Southern District of California and the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts, libels praying seizure and condemnation of 27 cases of apple butter at Long Beach, Calif., and 21½ dozen jars of apple butter at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce, by the C. H. Musselman Co., of Biglerville, Pa., the former on or about December 8, 1933, from Baltimore, Md., and the latter on or about January 31, 1934, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselman's Brand Pure Apple Butter Contents One lb. Twelve oz. Manufactured by The C. H. Musselman Co., Biglerville, Pa."

It was alleged in the libels that the article was misbranded in that the statement on the label, "One Lb. Twelve Oz.," was false and misleading and tended to deceive and mislead the purchaser, and for the further 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, since the statement made was incorrect.

On May 10 and May 19, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to welfare or charitable organizations.

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