

district court a libel praying seizure and condemnation of 21 cases of Gumpert's Fountain Syrup Chocolate at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the S. Gumpert Co., Inc., in part from Brooklyn, N.Y., on or about November 24, 1933, and in part from Jersey City, N.J., on or about November 29, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "S. Gumpert Co., Inc. Bush Terminal Brooklyn, New York."

It was alleged in the libel that the article was adulterated in that a mixture of sugar, water, and Dutch-process cocoa had been substituted for chocolate fountain sirup; and for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label, "Fountain Syrup Chocolate" and "The superior quality of this Chocolate Fountain Syrup is obtained from the use of only the finest chocolate liquor", were false and misleading and deceived and misled the purchaser, when applied to a mixture of sugar, water, and Dutch-process cocoa. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 6, 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.*

22270. Adulteration of concentrated apple juice. U. S. v. 104 Barrels of Concentrated Apple Juice. Decree of condemnation, with provision for release under bond. (F. & D. no. 29632. Sample no. 24246-A.)

This case involved an interstate shipment of concentrated apple juice that contained arsenic and lead in amounts that might have rendered it injurious to health.

On December 14, 1932, 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 104 barrels of concentrated apple juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by D. E. Wilcox, from Effie, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 20, 1933, E. M. Peterson, trading under the fictitious name "Fruit Juices, Inc.", Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant, upon payment of costs and the execution of a bond, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

22271. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31772. Sample no. 56184-A.)

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 1933, 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 27 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 16, 1933, by U. Warren, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 16, 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.*