

It was alleged in the libel that the article was adulterated in that it was filthy because of insect infestation.

On April 7, 1933, the claimant, the American Factors, Ltd., a Hawaiian corporation, having consented to the entry of a decree, judgment of 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.*

21024. Adulteration of dried figs. U. S. v. Henry John Giebeler. Plea of guilty. Fine, \$200. Sentence suspended for two years. (F. & D. no. 29387. I. S. nos. 18952, 22532, 22533.)

This case was based on the interstate shipment of several lots of dried figs which were found to be in part insect-infested, moldy, and dirty.

On January 30, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry John Giebeler, trading as Giebeler's Fig Gardens, Merced, Calif., alleging shipment by said defendant in violation of the Foods and Drugs Act, on or about November 20, 1931, from the State of California into the State of Washington, and on or about December 9, 1931, from the State of California into the State of Nevada, of quantities of dried figs which were adulterated. The article was labeled in part: "Packed by Giebeler's Fig Gardens, Merced, Calif."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

On April 3, 1933, the defendant withdrew a plea of not guilty and entered a plea of guilty to each of the two counts of the information, and a fine of \$200 was imposed. The court ordered that the sentence be suspended for a period of two years on condition that there be no further violation of the law.

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

21025. Misbranding of canned cherries. U. S. v. 40 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 29325. Sample no. 2200-A.)

This case involved a shipment of canned cherries in which the sugar solution was of insufficient strength to bring the liquid portion up to the standard prescribed by this Department, and which was not labeled to indicate that it was substandard.

On November 23, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 40 cases of canned cherries at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce, on or about September 3, 1931, by the Zion Wholesale Grocery Co., from Salt Lake City, Utah, charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kaysville Brand Windsor Cherries Pitted Packed by Kaysville Canning Corporation Kaysville Utah Contents 100 ozs."

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, since the liquid portion read less than 16° Brix, and its label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On March 25, 1933, no claimant having appeared for the property, judgment of 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.*

21026. Misbranding of canned tomatoes. U. S. v. 300 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29795. Sample no. 33420-A.)

This case involved a shipment of canned tomatoes that fell below the standard established by this Department because of poor color and which were not labeled to indicate that they were substandard.

On February 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of