

alleged for the further reason that the articles were inferior to strawberry cream sandwiches and biscuits and were artificially colored and flavored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Strawberry Cream Sandwich" and "Strawberry Cream Biscuits", borne on the package, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles consisted of strawberry cream products, whereas they consisted of artificially colored and artificially flavored products that contained no strawberry. Misbranding was alleged for the further reason that the articles were artificially colored and artificially flavored products that contained no strawberry, prepared in imitation of and offered for sale under the distinctive names of other articles.

On November 30, 1932, the case came on for trial before the court and a jury. The Government introduced evidence, at the completion of which the defense moved that the case be dismissed. The court granted the defendant's motion with respect to the adulteration charges. The case was submitted to the jury on the misbranding charges, and a verdict of guilty was returned. A motion was made by the defendant for a new trial which was denied, and a sentence of \$600 was imposed. On January 30, 1933, the fine was paid.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20516. Adulteration of pecan pieces. U. S. v. 3 Barrels of Pecan Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29243. I. S. no. 10271-A.)

This action involved the interstate shipment of a quantity of pecan pieces, samples of which were found to be wormy, rancid, and decomposed.

On November 11, 1932, 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 of the United States for the district aforesaid a libel praying seizure and condemnation of three barrels of pecan pieces at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 10, 1932, by the Southern Edible Products Co., from Albany, Ga., to New York, N. Y., 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 consisted in part of a filthy, decomposed, or putrid vegetable substance.

On December 24, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20517. Adulteration of shelled peanuts. U. S. v. 28 Sacks of Shelled Peanuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29259. Sample no. 21056-A.)

This action involved the interstate shipment of a quantity of shelled peanuts, samples of which were found to be worm eaten.

On November 10, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 sacks of shelled peanuts, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 20, 1932, by John G. Maclin Peanut Co., from Petersburg, Va., to Philadelphia, Pa., 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 consisted in part of a filthy vegetable substance.

On December 21, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20518. Adulteration of cauliflower. U. S. v. 392 Crates of Cauliflower. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29137. Sample no. 20439-A.)

This action involved the interstate shipment of a quantity of cauliflower that was found to bear arsenic in an amount which might have rendered the article injurious to health.