

District Court of the United States for said district a libel praying seizure and condemnation of 28 dozen boxes of chocolate-covered cherries at Newark, N. J., alleging that the article had been shipped by the Hollis Chocolate Co., Inc., Reading, Pa., in part on or about November 5, 1927, and in part on or about November 16, 1927, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Boxes) "Hollis Chocolate Cherries * * * 24 count not less than 15 oz. Manufactured by Hollis Chocolate Co., Reading, Pa."

It was alleged in the libel that the article was adulterated in that a substance, fat other than cocoa butter, had been substituted wholly or in part for the coating of the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statements, "Chocolate Cherries Not Less Than 15 Oz.," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On July 9, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15897. Adulteration and misbranding of marjoram. U. S. v. 1 Barrel of Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21335. I. S. No. 8245-x. S. No. E-5878.)

On October 18, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of marjoram at Trenton, N. J., alleging that the article had been shipped by R. T. Randall & Co., Philadelphia, Pa., on or about September 27, 1926, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From R. T. Randall & Co. * * * Philadelphia."

It was alleged in the libel that the article was adulterated in that a substance, dirt and sand, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 9, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15898. Adulteration and misbranding of canned corn. U. S. v. 875 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22341. I. S. No. 21525-x. S. No. 389.)

On January 4, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 875 cases of canned corn at Newark, N. J., alleging that the article had been shipped by Carroon & Co., Fowler, Ind., on or about October 12, 1927, and transported from the State of Indiana into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Basket Ball Brand Country Gentlemen Sugar Corn * * * Extra Selected Sugar Corn Packed by Carroon & Co. Inc. Fowler, Ind."

It was alleged in the libel that the article was adulterated in that field corn had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Extra Selected Sugar Corn," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 5, 1928, Carroon & Co., Fowler, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,800, conditioned in part that it should not be shipped or sold unless relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15899. Misbranding and alleged adulteration of vinegar. U. S. v. 60 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22454. I. S. No. 23654-x. S. No. 505.)

On February 11, 1928, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 barrels of vinegar, remaining in the original unbroken packages at Madison, Wis., alleging that the article had been shipped by the Central City Pickle Works, from Peoria, Ill., December 2, 1927, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an acid product, other than cider vinegar, and an ash material had been substituted in part for cider vinegar and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the barrels containing the article bore the statement, "Cider Vinegar," which was false and misleading and deceived and misled purchasers in that the said article contained an acid product other than cider vinegar. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 5, 1928, the Central City Pickle Co., Peoria, Ill., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled by striking out the words "Cider Vinegar" from the label, and substituting in lieu thereof the following: "Apple Products Vinegar and Distilled Vinegar Reduced to Four Per Cent Acidity."

ARTHUR M. HYDE, *Secretary of Agriculture.*

15900. Adulteration and misbranding of cocoa. U. S. v. 160 Barrels of Cocoa. Product released under bond to be relabeled. (F. & D. No. 22647. I. S. No. 17480-x. S. No. 624.)

On March 20, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 barrels of cocoa, remaining in the original unbroken packages at Salt Lake City, Utah, consigned by E. & A. Opler, Inc., Chicago, Ill., alleging that the article had been shipped from Seattle, Wash., on or about February 28, 1928, and transported from the State of Washington into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc., American Brand Pure Cocoa Powder, Chicago."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Pure Cocoa Powder," borne on the label, was false and misleading and deceived and misled the purchaser in that the said article was not pure cocoa powder.

On June 8, 1928, E. & A. Opler, Inc., Chicago, Ill., claimant, having paid the costs of the proceedings and having filed a bond in the sum of \$1,500, judgment was entered ordering that the product be released to the said claimant to be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*