

On or about January 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 kegs of chestnuts, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Franklin Produce Co., from New York, N. Y., on or about November 26, 1930, and had been transported from the State of New York into the State of Florida, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 15, 1931, 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.*

18288. Misbranding of oleomargarine. U. S. v. 43 Cases of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26082. I. S. Nos. 21802, 21803, 21804. S. No. 4354.)

Samples of oleomargarine labeled 1 pound or 2 pounds, as the case might be, taken from the shipment herein described, having been found to be short of the said declared weights, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 43 cases of oleomargarine, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by Armour & Co., from Kansas City, Mo., on or about March 14, 1931, and had been transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article consisted of three different lots labeled in part, variously: (Retail package) "2 Lbs. Net Weight Oleomargarine—Armour & Co., U. S. Inspected and Passed by Dept. of Agriculture;" "1 Lb. Net Weight BIC—Nut Brand Vegetable Oleomargarine Armour and Company;" or "Silver Nut Oleomargarine 1 Lb. Net Weight * * * Armour & Co."

It was alleged in the libel that the article was short weight and was misbranded in that the statements on the labels, "1 lb. Net Weight" and "2 Lbs. Net Weight," were false and misleading and deceived and misled the purchaser when applied to the article. 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 packages, since the statements made were not correct.

On or about April 15, 1931, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel 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 costs and the execution of a bond in the sum of \$400, conditioned in part that it be made to comply with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18289. Adulteration and misbranding of canned grapefruit juice. U. S. v. 397 Cases of Canned Grapefruit Juice, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 25964, 26041. I. S. Nos. 21958, 21997, 21998. S. Nos. 4221, 4336.)

Examination of samples of canned grapefruit juice from the shipments herein described having shown that the article contained added sugar, and that the cans contained less than the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on March 10, 1931, an amended libel, praying seizure and condemnation of 397 cases of canned grapefruit juice. On March 18, 1931, libel proceedings were instituted by the United States attorney against an additional 402 cases of the same product. The libels alleged that the article had been shipped by the Orlando Canning Co. (Inc.), of Orlando, Fla., in part from Jacksonville, Fla., on or about January 21, 1931, and in part from Orlando, Fla., on or about January 29,

1931, that said shipments had been made in interstate commerce from the State of Florida into the State of California, that it remained in the original unbroken packages at San Francisco, Calif., and that it was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Heart of Florida Brand Juice Fancy Florida Grapefruit." The cans were of two different sizes further labeled, on a portion, "Contents 11 Fluid Oz. or 312 Grams," and on the remainder, "Contents 20 Fluid Oz. or 567 Grams."

Adulteration was alleged in the amended libel filed with respect to a portion of the article, for the reason that sugar had been substituted in part for the article, and in the libel filed with respect to the remainder, for the reason that a substance, sweetened grapefruit juice, had been substituted partly for the article.

It was further alleged in the libels that the article was misbranded in that the statements, "Grapefruit Juice" or "Juice * * * Grapefruit," were false and misleading and deceived and misled the purchaser when applied to sweetened grapefruit juice. Misbranding was alleged with respect to the product contained in a portion of the large-sized cans for the reason that the statements, "Contents 20 Fluid Oz. or 567 Grams," were false and misleading and deceived and misled purchasers. Misbranding was alleged with respect to all lots of the product 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 quantity stated was not correct.

On April 1, 1931, William J. Boradori, San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18290. Adulteration of dried figs. U. S. v. 7 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25880. I. S. No. 12906. S. No. 4145.)

Samples of figs from the shipment herein described having been found to be moldy, sour, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On February 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cases of dried figs, remaining in the original unbroken packages at Fresno, Calif., alleging that the article had been shipped from Seattle, Wash., on or about January 28, 1931, and had been transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Sunny View Brand California White Figs * * * Packed by Sunny View Packing Company, Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted partly of a filthy, decomposed, or putrid vegetable substance.

On March 21, 1931, 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.*

18291. Adulteration of canned pimientos. U. S. v. 16 Cases, et al., of Red Pimientos. Default decrees of destruction entered. (F. & D. Nos. 25653, 25654. I. S. Nos. 17401, 17402. S. No. 3947.)

Samples of canned pimientos from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about January 12 and January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 75 cases of canned pimientos at Jackson, Miss., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about September 6, 1930, and had been transported from the State of Georgia into the State of Mississippi, and charging adultera-