

18907. Adulteration and misbranding of cane sirup. U. S. v. 78 Cans, et al., of Cane Sirup. Default decree of destruction entered. (F. & D. No. 26879. I. S. Nos. 36631, 36632, 36633, 36634. S. No. 5066.)

Examination of samples of cane sirup from the shipment herein described having shown that the article contained added undeclared glucose and sugar sirup, and that, with respect to portions of the product, the cans contained less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about September 9, 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 316 cans of the said cane sirup, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by A. O. Cunningham, from Lafayette, La., on or about July 16, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Open Kettle Pure Cane Syrup 3 Qts. 8 Fld. Ozs. [or "1 Qt., 1 Pt., 4 Fld. Ozs.," "1 Pt. 10 Fld. Ozs.," or "16 Fld. Ozs.,"] Packed by A. O. Cunningham. * * * Lafayette, La."

It was alleged in the libel that the article was adulterated in that added undeclared glucose and sugar sirup had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Open Kettle Pure Syrup," borne on the labels of the product, and the statements, "3 Qts. 8 Fld. Ozs.," with respect to 78 cans of the article, and "16 Fld. Ozs.," with respect to 150 cans of the said article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all the said product for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the said 78-can lot and the 150-can lot 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, since the statement made was incorrect.

On November 19, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18908. Adulteration of butter. U. S. v. 11 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27120. I. S. No. 12948. S. No. 4904.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 17, 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 22 cubes of butter, at San Francisco, Calif., alleging that the article had been shipped by the Wilcox Produce Co., from Portland, Oreg., on or about June 5, 1931, and had been transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On November 19, 1931, the Cudahy Packing Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of judgment, an amended decree was entered condemning and forfeiting the product, and ordering that it 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 conform to the Federal food and drugs act under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the said act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*