

18916. Adulteration and misbranding of canned grapefruit juice. U. S. v. 167 Cases of Canned Grapefruit Juice. Product released under bond to be relabeled. (F. & D. No. 26930. I. S. No. 12973. S. No. 5135.)

Samples of canned grapefruit juice from the shipment herein described having been found to contain added sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On September 2, 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 167 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Thomas Roberts & Co., from Philadelphia, Pa., on or about June 4, 1931, and had been transported from the State of Pennsylvania into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Blue Bar Brand Grapefruit Juice Packed by Tugwell & Wiseman, Inc., Tarpon Springs, Fla."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, sugar sirup, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "Grapefruit Juice," was false and misleading, and deceived and misled the purchaser when applied to an article composed partly of added undeclared sugar sirup. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 8, 1931, the Western States Grocery Co., San Francisco, Calif., having appeared as claimant for the property, and it having been stipulated by the claimant and a representative for the Government that sugar sirup had been added to the product by the manufacturer, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, said bond to be canceled upon certification by this department that the article had been relabeled so as to conform to the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18917. Adulteration and misbranding of canned sliced mushrooms. U. S. v. 20 Cases of Canned Sliced Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26705. I. S. No. 17231. S. No. 4831.)

Examination of samples of canned sliced mushrooms from the shipment herein described having shown that the article contained excessive stems and that the cans contained less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On or about June 26, 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 20 cases of canned sliced mushrooms at Detroit, Mich., alleging that the article had been shipped by Von Bremen-Asche de Bruyn (Inc.), from Wilmington, Del., on or about April 14, 1931, and had been transported from the State of Delaware into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Forest-Inn Sliced Mushrooms Full Natural Flavor (Unbleached) Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality [cut of mushroom];" (shipping carton) "8 Oz. Sliced Mushrooms."

It was alleged in the libel that the article was adulterated in that excessive stems had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the shipping cases, "8 Oz. Sliced Mushrooms," and the statements on the can labels, "Sliced Mushrooms * * * Cultivated Mushrooms * * * Contents 15 Oz. Drained Weight of Mushrooms 8 Oz. * * * Mushrooms * * * These mushrooms * * * Forest-Inn Mushrooms * * * We guarantee them to be * * * of exceptionally high quality," and the design of a mushroom appearing on the said cans, were false and misleading, and deceived and misled the purchaser when applied to mushrooms containing an excessive amount of stems and which were short of the declared contents and of the declared drained weight. 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 package, since the statement made was not correct, and for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On October 8, 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.*

18918. Adulteration of apples. U. S. v. 660 Baskets of Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27032. I. S. No. 31751. S. No. 5253.)

Lead arsenate having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On October 2, 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 660 baskets of apples, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped by the Fruitland Fruit Association, from Effie, Idaho, on or about September 18, 1931, and had been transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "1-0 Brand Idaho Oregon * * * Grown and Shipped by The Fruitland Fruit Association, Fruitland, Idaho."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, lead arsenate, which might have rendered it injurious to health.

On October 7, 1931, the Pacific Fruit & Produce Co., San Francisco, Calif., 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it be cleaned and washed so that it comply with the requirements of the Federal food and drugs act and all laws, Federal and State thereunto relating.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18919. Adulteration and misbranding of canned orange juice. U. S. v. 48 Cases of Canned Orange Juice. Decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. No. 26422. I. S. No. 12520. S. No. 4716.)

Samples of canned orange juice from the shipment herein described having been found to contain added sugar, and the cans examined having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Washington.

On May 23, 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 48 cases of canned orange juice, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Orlando Canning Co. (Inc.), from Orlando, Fla., on or about March 10, 1931, and had been transported from the State of Florida into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Heart of Florida * * * Orange Juice Contents 10½ Fld. Ozs. or 297 Grams * * * Packed by Orlando Canning Co. Inc. Orlando, Florida."

It was alleged in the libel that the article was adulterated in that orange juice containing added sugar had been substituted for orange juice.

Misbranding was alleged for the reason that the statements on the label, "Orange Juice Contents 10½ Fld. Ozs. or 297 Grams," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 21, 1931, a decree was entered condemning and forfeiting the property and ordering that it be destroyed by the United States marshal. The decree provided, however, that the product might be released to the claimant, the Roundup Grocery Co., Spokane, Wash., upon payment of costs, within 20 days from the date of the decree, and the execution of a bond in the sum of \$100,