

It was alleged in the libel that the article was misbranded in that the statement on the label, "Pitted * * * Cherries," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated for such canned food, in that it was water-packed and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On November 9, 1931, the Fruit Growers Union Cooperative, Sturgeon Bay, Wis., 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 \$2,000, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19005. Adulteration of chocolate cops. U. S. v. 18 Cartons of Chocolate Cops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27103. I. S. No. 37920. S. No. 5337.)

The chocolate cops involved in this action were candies all having the same outward appearance, with prizes of copper pennies concealed in some of the pieces. They were designed to appeal particularly to children.

On October 28, 1931, 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 18 cartons of the said chocolate cops, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Voneiff-Drayer Co., Baltimore, Md., on or about September 30, 1931, and had been transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Voneiff-Drayer Chocolate Cops * * * Made in U. S. A. By the Voneiff-Drayer Company, Baltimore, Maryland."

It was alleged in the libel that the article was adulterated under the provisions of the law applicable to confectionery, in that it contained an ingredient deleterious or detrimental to health, to wit, a copper cent; and under the provisions of the law applicable to food, in that it contained an added poisonous or other added deleterious ingredient which might have rendered it injurious to health, to wit, a copper cent.

On November 20, 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.*

19006. Adulteration and misbranding of jelly. U. S. v. The Royal Remedy & Extract Co. Plea of guilty. Fine, \$10. (F. & D. No. 26599. I. S. Nos. 7306, 7307, 029820, 029821, 029822.)

Examination of a product, represented to be apple pectin jelly, having shown that the article was imitation jelly, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Royal Remedy & Extract Co., a corporation, Dayton, Ohio, alleging shipment by said company in violation of the food and drugs act, from the State of Ohio into the State of Michigan, in part on or about December 28, 1929, and in part on or about July 21, 1930, of quantities of jelly that was adulterated and misbranded. The article was labeled in part: (Glass) "Souders Apple Pectin Jelly Strawberry [or "Raspberry" or "Blackberry"] Flavor * * * Royal Remedy & Extract Co. Dayton, Ohio."

It was alleged in the information that the article was adulterated in that imitation jelly had been substituted for jelly, which the article purported to be.

Misbranding was alleged for the reason that the statement "Jelly," borne on the label, was false and misleading in that the said statement represented that the article was jelly; and for the further reason that it was labeled as afore-