

20785. Misbranding of honey. U. S. v. 150 Cases of Honey. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 29852. Sample no. 19079-A.)

This case involved an interstate shipment of honey, sample cans of which were found to contain less than 16 ounces, the declared weight.

On February 14, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 150 cases of honey at Louisville, Ky. On March 1, 1933, an amended libel was filed to include 99 more cases, also at Louisville, Ky. It was alleged in the libel and the amended libel that the article had been shipped in interstate commerce on January 30 and January 31, 1932, by the Sherficks Farm & Floral Products, from Shoals, Ind., to Louisville, Ky., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Wt. 16 Oz. Honey Sherfick's Farm and Floral Products, Shoals, Indiana."

The libels charged that the article was misbranded in that the statement on the label, "Net Wt. 16 Oz.", was false and misleading and deceived and misled the purchaser, since the quantity stated was incorrect. Misbranding was alleged for the further reason that the article 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 March 1, 1933, the Kroger Grocery & Baking Co., Cincinnati, Ohio, having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled "Net Wt. 14 Oz."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20786. Adulteration and misbranding of tomato catsup. U. S. v. 680 Cans of Tomato Catsup. Default decree of destruction. (F. & D. no. 29799. Sample no. 35076-A.)

This case involved a quantity of tomato catsup that contained added gum and sodium benzoate.

On or about February 9, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 680 cans of tomato catsup at Chillicothe, Ohio, alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by H. M. Wagner & Co., from Camden, Md., to Chillicothe, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "H. M. Wagner's Tomato Catsup, * * * Packed for H. M. Wagner and Company, Inc., Baltimore."

It was alleged in the libel that the article was adulterated in that added gum and sodium benzoate had been substituted in part for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup" was false and misleading when applied to an article that did not consist solely of tomato catsup. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 28, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20787. Adulteration of apples. U. S. v. 100 Bushels and 138 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for washing. (F. & D. nos. 29776, 29835. Sample nos. 28489-A, 28498-A.)

These cases involved shipments of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On or about December 27 and December 30, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 238 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in two shipments, on October 22 and October 23, 1932, respectively, by William Hamlin, from Hartford, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

William Hamlin, Hartford, Mich., appeared as claimant for the property and filed an answer, admitting the allegations of the libels, and consenting to the entry of a decree. On February 18, 1933, the cases having been consolidated, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for washing to remove the deleterious ingredients, upon payment of costs and execution of a bond in the sum of \$200, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20788. Adulteration and misbranding of process Swiss cheese. U. S. v. 86 Boxes of Cheese. Default decree entered. Product delivered to charitable institution. (F. & D. no. 29757. Sample nos. 2961-A, 2971-A.)

This case involved an interstate shipment of process Swiss cheese that was deficient in fat.

On January 17, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 86 boxes of cheese at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about December 7, 1932, by the Kraft-Phenix Cheese Corporation, from Green Bay, Wis., to Minneapolis, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kraft Pasteurized Process Swiss Cheese Kraft-Phenix Cheese Corporation, * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Process Swiss Cheese", was false and misleading and deceived and misled the purchaser when applied to a product deficient in fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 30, 1933, no claimant having appeared, judgment was entered ordering that the product be destroyed. On April 10, 1933, the decree was modified to permit delivery of the cheese to charitable institutions in view of the fact that it was fit for human consumption.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20789. Adulteration of canned salmon. U. S. v. 111 Cases of Canned Salmon. Claimant appeared and consented to entry of decree. Product adjudged adulterated, and ordered released under bond for segregation of decomposed portion. (F. & D. no. 29531. Sample nos. 26818-A, 26819-A, 26820-A.)

This case involved an interstate shipment of canned salmon that was in part decomposed.

On November 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 111 cases of canned salmon at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 6, 1932, by the Oceanic Sales Co., from Seattle, Wash., to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plee Zing Alaska Pink Salmon * * * Oceanic Sales Co., Distributors, Seattle."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On January 13, 1933, the Superior Packing Co., having appeared as claimant and having consented to the entry of a decree of condemnation, judgment was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400. It was further ordered that the decomposed and putrid portion be separated from the unadulterated portion, to the end that the good portion might be disposed of lawfully.

R. G. TUGWELL, *Acting Secretary of Agriculture.*