

On May 22, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21070. Adulteration of strawberry preserves. U. S. v. 87 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29914. Sample no. 22951-A.)**

This case involved a quantity of strawberry preserves that were in part moldy.

On March 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by F. G. Ewing Co., from Seattle, Wash., having been consigned on or about January 14, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Sun Blest A Sun Blessed Product Extra Fancy Pure Strawberry Preserves."

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

On April 27, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21071. Adulteration and misbranding of jellies. U. S. v. 40 Cases of Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29919. Sample nos. 26444-A, 26445-A, 26446-A.)**

This case involved an interstate shipment of variously flavored jellies. Examination showed that certain of the products consisted of artificially colored and artificially flavored imitation jellies.

On March 9, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of assorted jellies at Baltimore, Md., alleging that the articles had been shipped in interstate commerce, on or about November 11, 1932, and January 6, 1933, by the Waynesboro Fruit Exchange, from Waynesboro, Pa., and charging that the currant-, raspberry-, and strawberry-flavored jellies were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Eclipse Brand \* \* \* Apple Jelly, Waynesboro Fruit Exchange, Waynesboro, Pa." Certain of the jellies were further labeled: "Currant [or "Raspberry" or "Strawberry"] Flavored Artificially Colored."

It was alleged in the libel that the currant-, raspberry-, and strawberry-flavored jellies were adulterated in that artificially flavored and artificially colored imitation jellies had been substituted for the said articles. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Apple Jelly Currant Flavored", "Apple Jelly Raspberry Flavored", and "Apple Jelly Strawberry Flavored", were false and misleading and deceived and misled the purchaser, when applied to artificially colored and artificially flavored imitation jellies. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 15, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21072. Misbranding of canned tomato juice. U. S. v. 92 Cases of Tomato Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29840. Sample no. 32784-A.)**

This case involved a shipment of canned tomato juice, sample cans of which were found to contain less than the volume declared on the label.

On February 10, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 92 cases of tomato juice at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about December 28, 1932, by Francis H. Leggett & Co., from Landisville, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Premier Pure Tomato Juice \* \* \* Francis H. Leggett & Co. Distributors, New York, Contents 14 Fl. Oz. Metric Equiv. 413.87 CCM."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 14 Fl. Oz. Metric Equiv. 413.87 CCM", was 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 plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 13, 1933, Francis H. Leggett & Co., New York, N. Y., 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 claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21073. Adulteration and misbranding of canned corn. U. S. v. Princeville Canning Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 29492. I. S. no. 39508.)**

This case was based on an interstate shipment of a product represented to be Fancy sugar corn. Examination showed that the article was more advanced in maturity than the grade known as Fancy canned corn, consisting of a grade known commercially as "Standard."

On February 7, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Princeville Canning Co., a corporation, Princeville, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 10, April 9, 23, and 24, 1931, from the State of Illinois into the District of Columbia, of quantities of canned corn which was adulterated and misbranded. The article was labeled in part: "Royal Prince Fancy Country Gentleman Sugar Corn Finest Princeville Quality \* \* \* Packed by Princeville Canning Co., Princeville, Ill."

It was alleged in the information that the article was adulterated in that corn of lower grade than "Finest Quality Fancy Country Gentleman Sugar Corn" had been substituted in whole and in part for the article.

Misbranding was alleged for the reason that the statement, "Fancy Country Gentleman Sugar Corn" borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was of lower grade than Fancy Country Gentleman sugar corn.

On May 5, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21074. Adulteration of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29902. Sample no. 33962-A.)**

This case involved a lot of apple butter which was found to contain insects and hairs of mice or other rodents.

On March 2, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of apple butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about December 13, 1932, by the D. B. Scully Syrup Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scully's Pure Apple Butter, \* \* \* Packed by D. B. Scully Syrup Company, Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

On April 13, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*