

misleading and deceived and misled the purchaser. 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 incorrect.

On May 9, 1933, the American Fruit Growers, Inc., 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 \$1,000, conditioned that the sacks be filled to the declared weight.

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

**21161. Misbranding of canned raspberries. U. S. v. 49 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30408. Sample no. 32269-A.)**

This case involved a shipment of canned black raspberries, sample cans of which were found to contain less than the weight declared on the label.

On May 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned black raspberries at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 9, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "White Top Brand Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co., Inc., Distributors, New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 6 Lbs. 7 Ozs.", was false and misleading and deceived and misled the purchaser. 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 incorrect.

R. C. Williams & Co., Inc., New York, interposed a claim as agent for Hunt Bros. Packing Co., owner, admitted the allegations of the libel, and consented to the entry of a decree. On June 19, 1933, 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 \$300, conditioned that it be relabeled in part: "Contents 6 pounds 3 ounces."

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

**21162. Misbranding of candies (Tootsie Pops). U. S. v. Sweets Co. of America, Inc. Plea of guilty. Fine, \$150. (F. & D. no. 30177. I. S. no. 42529.)**

This case was based on an interstate shipment of variously flavored candies; two flavors, grape and raspberry, respectively, were found to contain added undeclared acid and artificial flavor and color, with little or no fruit present.

On May 22, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sweets Co. of America, Inc., trading at New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2, 1931, from the State of New York into the State of Connecticut, of quantities of candies that were misbranded. The articles were labeled in part: (Wrapper) "Grape [or "Raspberry"] Tootsie Pops \* \* \* Sweets Co. of America, New York"; (carton) "Tootsie Pops \* \* \* Raspberry. Grape."

It was alleged in the information that the article was misbranded in that the statements, "Grape" or "Raspberry", borne on the cartons and wrappers, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles were candies and grape or raspberry only, with a sufficient amount of the fruits to give them the distinctive flavors of grape and raspberry, whereas they contained but a slight and negligible amount of grape or raspberry, if any, and contained added undeclared acid and arti-

ficial flavor and color. Misbranding was alleged for the further reason that the articles were imitations of other articles, grape-flavored candy and raspberry-flavored candy.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

**21163. Adulteration of apples. U. S. v. 98 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 30491. Sample no. 35879-A.)

This case involved the interstate shipment of a quantity of apples, bearing lead in an amount which might have rendered them injurious to health.

On April 14, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 bushels of apples at Lincoln, Nebr., alleging that the article had been shipped on or about March 31, 1933, by Quick & Harris, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

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

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

**21164. Misbranding of olive oil. U. S. v. 101 Cans of Olive Oil. Default decree of destruction.** (F. & D. nos. 30120, 30121. Sample nos. 36106-A, 36110-A.)

These cases involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On April 20, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101 cans of olive oil, in part at Price, Utah, and in part at Helper, Utah, alleging that the article had been shipped in interstate commerce on or about March 28, 1933, by Mallars & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Athlete Brand Pure Olive Oil Mallars & Company. Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Gallon", 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 quantity stated was incorrect.

On June 24, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

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

**21165. Misbranding of ground ginger. U. S. v. 1 Gross Cans of Ground Ginger. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 30503. Sample no. 41802-A.)

This case involved an interstate shipment of a quantity of ground ginger, samples of which were found to be short weight.

On May 23, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gross cans of ground ginger at Atlantic City, N. J., alleging that the article had been shipped on or about March 15, 1933, by H. L. Caplan & Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Manischewitz's Pure Ground Ginger \* \* \* Packed for the M. Manischewitz Co. New York 1½ Oz. Net Wgt."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1½ Oz. Net Wgt.", was false and misleading and deceived and misled the purchaser, since the net weight of each can was less