

it was offered for sale under the distinctive name of another article; and for the further reason that it 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 "Contents 12 Ounces", was ambiguous.

On March 27, 1934, no claimant having appeared for the property, judgments of condemnation were entered. On April 20, 1934, the court having found that the product was not unfit for human consumption and not injurious to health, amended orders were entered permitting the marshal to deliver it to charitable institutions.

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

22152. Misbranding of shortening. U. S. v. 19 Cases of Shortening. Decree of condemnation. Product released under bond to be repacked. (F. & D. no. 32018. Sample no. 63793-A.)

This case involved a shipment of shortening which was short weight.

On February 21, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of shortening at Ardmore, Okla., alleging that the article had been shipped in interstate commerce, on or about October 18 and November 6, 1933, by the Texas Refining Co., from Greenville, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Four Pounds Net Weight Blue Bonnet Shortening. * * * Texas Refining Co., Greenville, Texas."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Four Pounds Net Weight", 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.

On March 7, 1934, the Texas Refining Co., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$100, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act. The article was repacked in full 4-pound cartons.

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

22153. Misbranding of shelled pecans. U. S. v. 17¼ Cases of Shelled Pecans. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32055. Sample no. 66761-A.)

This case involved a shipment of shelled pecans which were found to be short weight.

On March 9, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17¼ cases of shelled pecans at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about October 5, 1933, by R. E. Funsten Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Funstens Shelled Pecans * * * Net Weight 8 oz. R. E. Funsten Company, St. Louis Mo."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans were labeled "8 oz." and contained less than 8 ounces. 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 correctly stated on the outside of the packages.

On April 2, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., 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 claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

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