

in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 15 Oz. La Choy * * * Vegetables La Choy Food Products, Inc. Detroit, Mich."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 15 Oz.", was false and misleading and deceived and misled the purchaser; 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 made was incorrect.

On April 3, 1934, La Choy Food Products, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$549.44, conditioned in part that it be relabeled under the supervision of this Department.

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

22417. Misbranding of canned cherries. U. S. v. 10 Cases of Red Sour Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32286. Sample no. 44093-A.)

Sample cans of cherries taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 10, 1934, 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 10 cases of canned cherries at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 2, 1934, by the Alton Canning Co., Inc., from Alton, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Contents 1 lb. 4 ozs. * * * packed by Alton Canning Co., Alton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 lb. 4 ozs.", was false and misleading and tended to deceive and mislead the purchaser; 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 made was incorrect.

On April 17, 1934, 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.*

22418. Adulteration of dried peaches. U. S. v. 200 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32290. Sample no. 43209-A.)

This case involved a shipment of dried peaches which contained dead worms, insect cocoons and webbing, worm holes, and insect excreta.

On March 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 boxes of dried peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Consolidated Packing Co., from San Francisco, Calif., 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 consisted in whole or in part of a filthy vegetable substance.

On April 30, 1934, 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.*

22419. Misbranding of beer. U. S. v. 750 Cartons of Misbranded Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32292. Sample no. 60461-A.)

This case involved a shipment of beer, samples of which were found to contain 6.25 percent of alcohol by volume. The article was misbranded since the term "12½%", which was prominently displayed on the main bottle label and neck label, conveyed the impression that the beverage contained 12½