

Mars Toasted Almond Slice Net Weight 2- $\frac{1}{4}$  Oz."; "Double Milky Way Net Weight 2- $\frac{1}{2}$  Oz."; "The Three Musketeers Net Weight  $\frac{1}{2}$  Oz."; "Mars Almonets Net Weight  $\frac{1}{2}$  Oz."; "Double Mars Chocolate Cream Caramel Slice Net Weight  $\frac{1}{2}$  Oz."

It was alleged in the libel that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**22707. Adulteration of canned shrimp. U. S. v. 238 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31927. Sample no. 59654-A.)**

This case involved a shipment of canned shrimp which was in part decomposed.

On February 2, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by the Montegut Packing Co., Inc., from New Orleans, La., 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 part of a decomposed animal substance.

On July 18, 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.*

**22708. Adulteration and misbranding of coffee. U. S. v. Twenty 50-Pound Bags, et al., of Coffee. Default decrees of condemnation. Product delivered to charitable organizations. (F. & D. nos. 31949, 31950. Sample nos. 61010-A, 61013-A.)**

These cases involved shipments of coffee which was adulterated with coffee chaff.

On February 6, 1934, the United States attorney for the Eastern District of Kentucky filed a libel against twenty 50-pound bags and twelve 25-pound bags of coffee at Ashland, Ky., which had been consigned by the Ohio Valley Coffee Corporation, January 15, 1934, from Portsmouth, Ohio. On February 8, 1934, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixteen 50-pound bags of coffee at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about January 15, 1934, by the Ohio Valley Coffee Corporation, from Portsmouth, Ohio. The libels charged that the article was adulterated and misbranded in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a mixture of coffee and pellets, consisting principally of coffee chaff, had been substituted for coffee.

Misbranding was alleged for the reason that the statement on the label, "Coffee", was false and misleading and deceived and misled the purchaser, when applied to a mixture of coffee and coffee chaff in the shape of pellets; and for the further reason that it was offered for sale under the distinctive name of another article.

On June 6 and June 15, 1934, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be delivered to charitable organizations.

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

**22709. Adulteration and misbranding of confectionery. U. S. v. 21 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. no. 31980. Sample no. 50541-A.)**

This case involved confectionery that contained alcohol. The article was labeled "Not a Confection", whereas it was a confection.

On February 13, 1934, the United States for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 21 cartons of candy at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by the New Deal Wholesale Liquor Co., from Forest Park, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cordials Cordial (Not a Confection)."

It was alleged in the libel that the article was adulterated in that it contained spirituous liquor.

Misbranding was alleged for the reason that the statement on the label, "Cordial (not a confection)", was false and misleading and deceived and misled the purchaser.

On June 27, 1934, 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.*

**22710. Misbranding of canned cherries. U. S. v. 351 Cases of Canned Cherries. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 31998. Sample no. 60436-A.)**

This case involved a shipment of canned cherries which contained excessive pits and which were not labeled to indicate that they were substandard. The article was not extra quality as labeled. Sample cans taken from the shipment were found to contain less than 1 pound, the declared weight.

On February 19, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 351 cases of canned cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 7, 1934, by the Ray-Maling Co., Inc., from Woodburn, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Newmark Brand Special Extra Pitted Red Cherries Net Contents One Lb. Four Ozs."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Special Extra Pitted Red Cherries Net Contents one lb. four ozs.", were 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. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 26, 1934, the Ray-Maling Co., Inc., Hillsboro, Oreg., having appeared as claimant for the property and having admitted that the product was substandard and short weight and was not "Special Extra" quality, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant under a bond in the sum of \$800, conditioned that it be relabeled. On June 29, 1934, the product having been relabeled, final decree was entered, ordering the bond exonerated upon payment of costs.

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

**22711. Misbranding of salad oil. U. S. v. 78 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32031. Sample no. 67408-A.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On February 26, 1934, 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 72 cans of salad oil at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about March 16 and April 20, 1933, by the Manhattan Coffee & Sugar Co., from Long Island City, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Salco Salad Oil Full Measure \* \* \* Ragus Packing Corporation Long Island City, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon \* \* \* Full Measure", was