

leading and tended to deceive and mislead the purchaser, and for the further reason that it was sold under the distinctive name of another article. Misbranding of the remainder was alleged for the reason that the following statements, (case) "Milkote * * * Chocolate", (slab) "Milkote", appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was milk chocolate.

On June 14, 1934, the Guittard Chocolate Co., claimant, having consented to the entry of a decree, 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 \$60, conditioned that it be relabeled in a manner satisfactory to this Department.

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

22744. Adulteration of egg colors. U. S. v. 13 Cartons and 500 Packages of Egg Colors. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32459, 32491. Sample nos. 41320-A, 65820-A.)

These cases involved shipments of egg colors that contained the deleterious ingredients lead chromate and Prussian blue pigment.

On March 30 and April 2, 1934, the United States attorneys for the Southern District of Iowa and the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 13 cartons and 500 packages of egg colors at Clinton, Iowa, and Bloomington, Ill., respectively. It was alleged in the libels that the article had been shipped in interstate commerce in part, on or about February 7, 1934, and in part, on or about February 23, 1934, by the Rainbow Egg Colors, from Green Bay, Wis., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rainbow Egg Colors."

The libels charged that the article was adulterated in that it contained added poisonous ingredients, lead chromate and Prussian blue pigments, which might have been injurious to health.

On July 25 and October 30, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

22745. Adulteration of dried grapes. U. S. v. 525 Cartons, et al., of Dried Grapes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32483. Sample no. 55547-A.)

This case involved the shipment of a quantity of dried grapes which were in part fermented, decayed, and dirty, and which contained insect excreta.

On April 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 757 cartons of dried grapes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10, 1934, by Memorie Fruits, Ltd., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "25 lbs. Net Memorie Brand Dried Zinfandel Black Grapes Packed by Memorie Fruits, Ltd., Fresno, California."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 5, 1934, the Memorie Fruits, Ltd., Fresno, Calif., having appeared as claimant for the property, and the cases having been consolidated into one cause of action, 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 \$800, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act.

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

22746. Misbranding of olive oil. U. S. v. 32 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32500. Sample no. 51672-A.)

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

On April 14, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 32 cases of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about May 3, 1933, and February 27, 1934, by Strohmeier & Arpe Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Anita B and Pure Olive Oil Imported Product United Pure Food Co., N. Y. Importers and Packers."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Gallon", was false and misleading and tended to deceive and mislead 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 June 19, 1934, Strohmeier & Arpe Co., 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 \$500, conditioned that it be relabeled to show the exact quantity of the contents.

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

22747. Adulteration of noodles. U. S. v. 20 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32506. Sample no. 60738-A.)

This case involved the shipment of a quantity of noodles which contained excessive moisture.

On April 4, 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 20 boxes of noodles at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 24, 1934, by Republic Noodle Factory, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Red Triangle 5 lbs. Net Chinese Noodles Plain Republic Noodle Factory San Francisco, Calif."

It was alleged in the libel that the article was adulterated in that a substance containing excessive moisture had been substituted for noodles.

On January 28, 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.*

22748. Adulteration of apple butter. U. S. v. 92 Cases of White House Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32513. Sample no. 60882-A.)

This case involved the shipment of a quantity of apple butter which contained insect larvae and other filth.

On April 7, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of apple butter at Springfield, Ohio, alleging that the article had been shipped in interstate commerce on or about January 23, or February 6, 1934, by the National Fruit Products, Inc., from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White House Apple Butter."

It was labeled in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 16, 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.*

22749. Adulteration of canned tomatoes. U. S. v. 211 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32515. Sample no. 61971-A.)

This case involved a shipment of canned tomatoes which were infested with insect larvae.

On April 9, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district