

conspicuously marked on the outside of the package, since the quantity of contents statement was ambiguous, incorrect, and not declared in terms of the largest unit.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

23085. Misbranding of confectionery. U. S. v. 7 Cases and 5 Cases of Confectionery. Default decree of condemnation and destruction. (F. & D. no. 33257. Sample nos. 6587-B, 6588-B.)

This case involved shipments of toffee consisting of 7 cases of rum and butter flavor, and 5 cases of various flavors, including rum and butter. Examination showed that the rum and butter toffee contained imitation rum flavor and little or no butter; that the packages contained less than 1 pound, the weight indicated by the display placards, and that they contained less than 15¼ ounces, the weight declared on the containers.

On or about August 20, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of confectionery at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about July 12 and July 21, 1934, by Scharf Bros. Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cellophane package) "Park & Tilford Toffee One Pound With Wrappers Net Wt. 15¼ ozs. Park & Tilford, New York Paris"; (wrapper on individual pieces) "Park & Tilford Rum & Butter (etc.) Toffee"; (display placards) "Park & Tilford Rum & Butter [or "assorted"] Toffee 29¢ Pound."

The article was alleged to be misbranded in that the statements, (cellophane packages) "One Pound" "Net Wt. 15¼ ozs.", (display placards) "Toffee 29¢ Pound", and (wrapper of individual pieces of 7-case lot and part of remaining lot) "Rum & Butter Toffee", were false and misleading and tended to deceive and mislead the purchaser, since the packages contained less than 1 pound, and contained less than 15¼ ounces; the package sold for 29 cents contained less than 1 pound; and the rum and butter toffee contained imitation rum flavor and little or no butter. 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 was incorrect, and for the further reason that a portion of the said confectionery was offered for sale under the distinctive name of another article, "Rum & Butter Toffee."

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23086. Adulteration of crab meat. U. S. v. 125 Cans, et al., of Crab Meat. Default decrees of condemnation and forfeiture. (F. & D. nos. 33282, 33291, 33303. Sample nos. 4699-B, 5051-B, 5052-B.)

These cases involved quantities of crab meat which was found to contain filth.

On August 20, 21, and 24, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 483 cans of crab meat at Washington, D. C., alleging that portions of the article were in possession of the Great Atlantic & Pacific Tea Co., and were being sold and offered for sale in the District of Columbia; that a portion had been shipped in interstate commerce on or about August 19, 1934, by W. G. Ruark & Co., from Belhaven, N. C., into the District of Columbia, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 20, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be disposed of in such manner as would not violate the Federal Food and Drugs Act.

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