

and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Coffee The Old Time Coffee With The Old Time Taste", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist solely of coffee, but consisted in part of a substantial amount of chicory, and for the further reason that it was a mixture of coffee and chicory and was offered for sale under the distinctive name of another article, coffee.

On October 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

23162. Adulteration and misbranding of jellies. U. S. v. 20 Cases and 10 Cases of Jellies. Default decrees of condemnation and destruction. (F. & D. nos. 32391, 32562. Sample nos. 58734-A, 58735-A, 58736-A, 68829-A to 68832-A, incl.)

These cases involved shipments of alleged apple pectin fruit jellies of assorted flavors, which were found to consist of artificially flavored imitation jellies containing little or no juice of the distinguishing fruit, and in most instances containing artificial color.

On March 19 and April 18, 1934, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 cases of assorted jellies at Wilmington, Del., alleging that the articles had been shipped in interstate commerce, in part on or about November 6, 1933, and in part on or about December 26, 1933, by the Atlantic Food Products Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Morning Glory Apple Pectin Grape [or "Pineapple", "Raspberry", or "Strawberry"] Jelly * * * Reeves Parvin & Co., Distributors."

The articles were alleged to be adulterated in that artificially flavored imitation fruit jellies containing little or no juice of grape, strawberry, raspberry, or pineapple, and in the case of the grape, strawberry, and a part of the raspberry, containing artificial color, had been substituted for apple pectin grape (etc.) jellies.

Misbranding was alleged for the reason that the statements on the labels, "Apple Pectin Grape [or "Pineapple", "Raspberry", or "Strawberry"] Jelly", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On October 16, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

23163. Adulteration of walnut meats. U. S. v. 3 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 32561. Sample nos. 60449-A, 60487-A.)

This case involved a shipment of walnut meats that were in part wormy, moldy, rancid, and decomposed.

On April 19, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of walnut meats at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by Gray, McLean & Percy, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pennant Brand California Walnuts."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On October 18, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23164. Misbranding of canned cherries. U. S. v. 22 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. no. 32572. Sample no. 47561-A.)

This case involved a shipment of canned cherries that fell below the standard established by this Department, because of the presence of excessive pits, and which were not labeled to show that they were substandard.

On April 19, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, from Portland, Oreg., on or about March 16, 1934, by the Eugene Fruit Growers Association, of Eugene, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Above par brand * * * Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it consisted of partially pitted cherries, 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 November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23165. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 32628. Sample no. 47762-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 3, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at San Francisco, Calif., consigned by the Omaha Cold Storage Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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

23166. Adulteration of butter. U. S. v. 2 Barrels, et al., of Butter. Default decrees of destruction. (F. & D. nos. 32640, 32641, 32647. Sample nos. 52402-A, 52403-A, 52404-A, 69046-A.)

These cases involved interstate shipments of butter that was found to contain filth.

On March 24, March 30, and April 3, 1934, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of several barrels or tubs, containing approximately 1,323 pounds of butter, at Kansas City Mo., alleging that the article had been shipped in interstate commerce, in part on or about March 5, 1934, and in part on or about March 16, 1934, by J. O. Thompson, from Iola, Kans., and charging adulteration 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, decomposed, and putrid animal substance.

On November 27, 1934, no claimant having appeared, judgments were entered ordering the product destroyed.

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

23167. Misbranding of peanut butter. U. S. v. 7¾ Cases and 19½ Dozen Jars of Peanut Butter. Default decree of condemnation. Product ordered delivered to charitable organizations, or destroyed. (F. & D. no. 32720. Sample nos. 67975-A, 67976-A.)

Sample jars of peanut butter taken from the two lots involved in this case were found to contain less than the weight declared on the label. One lot was labeled to convey the misleading impression that it was packed by a firm other than the actual packer.

On May 18, 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 7¾ cases and 19½ dozen jars of peanut butter at Scranton, Pa., alleging that the article