

had been shipped in interstate commerce, on or about April 9, 1934, by the Williamson Candy Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Highlight Brand Peanut Butter Contents Six and One-Half Oz. [or "Twelve Oz."]." The statement, "Genter & Zeidler Co., Scranton, Pa.", appeared on the label of one lot and the statement, "Packed for Genter & Zeidler Co., Scranton, Pa.", appeared on the label of the other lot.

The article was alleged to be misbranded in that the statements, "Six and One-Half Oz." and "Twelve Oz.", appearing on the labels, were false and misleading and tended to deceive and mislead the purchaser in that the statement "Genter & Zeidler Co. Scranton, Pa.", on the label of the 6½-ounce size, was misleading since it created the impression that the product was packed by that firm, whereas it was not; and in 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On November 14, 1934, the case having been called and the sole intervenor having withdrawn its claim and answer, judgment of condemnation was entered and it was ordered that the product be offered to charitable or relief organizations in view of the fact that it was fit for human consumption, and that if it was not desired by such organizations it be destroyed.

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

23168. Misbranding of apple jelly. U. S. v. 200 Cases of Apple Jelly. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 32721. Sample no. 61835-A.)

Sample jars of apple jelly taken from the shipment in this case were found to contain less than the labeled weight.

On May 23, 1934, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of apple jelly at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about April 13, 1934, by C. H. Musselman, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Glass) "Big Value Pure Apple Jelly Contents 14 Oz. Packed for Big Value Products Co., Houston, Texas."

The article was alleged to be misbranded in that the statement, "Big Value Pure Apple Jelly, Contents 14 Oz."; deceived and misled the purchaser as to the weight of the contents of the glasses. 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 October 8, 1934, no claimant having appeared, judgment of condemnation was entered. On October 24, 1934, the product was ordered delivered to a charitable organization for distributing to the needy, since it was suitable for human consumption.

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

23169. Adulteration of dried grapes. U. S. v. 600 Cases of Dried Zinfandel Black Grapes. Default decree of condemnation and destruction. (F. & D. no. 32722. Sample no. 67790-A.)

This case involved a shipment of dried grapes which were found to be in part decayed and fermented and to contain insect excreta.

On May 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dried grapes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by the Federal Fruit Distributors, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act.

Adulteration was charged in the libel in that the article consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 26, 1934, the claimant was pronounced in default through failure to plead, and judgment of condemnation was entered and destruction of the product was ordered.

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