

The articles were alleged to be misbranded in that the statement on the labels, "Net Weight 2 Lbs. 3 Ozs.", was false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in weight; and in that the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On July 25, 1936, the Tea Garden Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled.

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

26348. Misbranding of chocolate-flavored malted milk. U. S. v. 17 Cases of Chocolate-Flavored Malted Milk. Default decree of condemnation and destruction. (F. & D. no. 37828. Sample no. 72092-B.)

This case involved a product that contained much less malted milk than should be contained in chocolate-flavored malted milk, which it was represented to be.

On June 23, 1936, 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 17 cases of chocolate-flavored malted milk at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1936, by Circle Foods, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bo-Peep' Chocolate Flavored Malted Milk * * * Circle Foods, Inc. New York, N. Y. Distributors."

The article was alleged to be misbranded in that the statements, "Chocolate Flavored Malted Milk * * * absolutely pure * * * guaranteed to comply with all Pure Food Laws. * * * Develops sturdy bodies * * * Rich in Vitamins", borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing only 15.6 percent of malted milk.

On August 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26349. Adulteration and misbranding of dog and cat food. U. S. v. 200 Cases, et al., of Dog and Cat Food. Default decrees of condemnation and destruction. (F. & D. nos. 37811, 37825, 37833, 37834, 37835, 37845, 37846. Sample nos. 70251-B, 70252-B, 70486-B, 70591-B, 70592-B, 70593-B, 73034-B, 73036-B.)

These cases involved dog and cat food that was decomposed and a part of which was short in weight.

On or about June 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 620 cases of dog and cat food at Baltimore, Md. On June 11, June 29, and July 3, 1936, libels were filed against 480 cases of the product at Philadelphia, Pa., 87 cases at Wilkes-Barre, Pa., and 27 cases at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of April 1 and June 6, 1936, in part by the Puro Pet Foods Co., Inc., from New York, N. Y., to Philadelphia, Wilkes-Barre, and Scranton, Pa.; in part by H. Reisler (% Rex Warehouse) from New York, N. Y., to Philadelphia, Pa.; in part by the Puro Pet Foods Co., Inc., from Philadelphia, Pa., to Baltimore, Md., and in part by the Doyle Packing Co. from Newark, N. J., to Philadelphia, Pa., and that it was adulterated in violation of the Food and Drugs Act, and that a portion thereof was also misbranded. The article was labeled in part: "Natural Brand Dog and Cat Food Contents 1 Lb. * * * Packed for Natural Food Product Co., New York City, U. S. A."

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

A portion of the article was alleged to be misbranded in that the statement on the label, "Contents 1 Lb.", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 pound; and in 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.

On August 6, August 24, October 26, and November 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

26350. Adulteration of evaporated apples. U. S. v. 28 Boxes of Evaporated Apples. Default decree of condemnation. Product ordered to be delivered to charitable institutions. (F. & D. no. 87842. Sample no. 70583-B.)

This case involved evaporated apples that contained excessive moisture.

On June 30, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 boxes of evaporated apples at Norristown, Pa., alleging that the article had been shipped in interstate commerce by M. O. Engleson & Co., on or about March 28, 1936, from Williamson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Engleson Brand Evaporated Apples Sulphur Dioxide Added. Packed by M. O. Engleson & Co., Williamson, N. Y., U. S. A."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be turned over to some charitable institutions.

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

26351. Adulteration and misbranding of egg noodles. U. S. v. 50 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. & D. no. 37844. Sample no. 69650-B.)

This case involved a product containing no egg, which was colored with tartrazine, a yellow dye, and was sold as egg noodles. The retail package bore no statement of the quantity of contents.

On July 3, 1936, 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 50 cases, each containing 42 packages of egg noodles at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 29 and June 6, 1936, by Hinode Macaroni Co., Ltd., from Honolulu, Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The packages were labeled in part: (Translation from Japanese) "Egg Noodles Honolulu Manufactured by Hinode Noodle Mfg. Co." The shipping carton was labeled in part: "Hinode Macaroni Factory N. Hotel St. Honolulu, T. H. * * * Net 35 Lbs."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26352. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 37854. Sample no. 62163-B.)

This case involved butter that contained mold, larvae, rodent hair, and other extraneous matter.

On June 26, 1936, 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 nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1936, by Land O'Hills Creamery from Buckhannon, W. Va., 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, or putrid animal substance.

On July 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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