

under bond conditioned that it might be disposed of as hog feed or for some purpose other than human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

28655. Adulteration and misbranding of Lemon and Lime Mixers. U. S. v. 59 Bottles of Lemon Mixer and 63 Bottles of Lime Mixer. Default decree of condemnation and destruction. (F. & D. No. 40041. Sample Nos. 27118-C, 27119-C.)

These products were labeled to indicate that they were fruitade bases; whereas they were mixtures of artificially colored, dilute acid solutions and essential oils containing no fruit juices, and they possessed an acidity of about one-fifth of the average acidity of lemon juice. Moreover, the quantity of the contents was not declared in terms of the largest unit nor in terms of liquid measure.

On or about August 9, 1937, 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 59 bottles of Lemon Mixer and 63 bottles of Lime Mixer at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about July 2, 1937, by the Whitehall Food Manufacturing Corporation from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Maison Royal Lemon [or "Lime"] Mixer * * * Royal Bottling Company, Inc., Brooklyn, N. Y."

They were alleged to be adulterated in that imitation lemon or lime juice consisting of an artificially colored, dilute acid solution and essential oil and containing no fruit juice, had been substituted for lemon and lime juices, which they purported to be. They were alleged to be adulterated further in that they were mixed and colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements "Lemon" and "Lime," borne on the labels, were false and misleading and tended to deceive and mislead the purchaser since they implied that the articles were lemon juice and lime juice, respectively; in that they were offered for sale under the distinctive names of other articles, lemon juice and lime juice; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated, "25 ounces" or "25 oz.," was not in terms of the largest unit nor in terms of liquid measure.

On November 30, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28656. Misbranding of peanut butter. U. S. v. Frank Harris Murphree (Southland Peanut Products Co.). Plea of guilty. Fine, \$25. (F. & D. No. 39844. Sample No. 31607-C.)

This product was short weight.

On November 30, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Harris Murphree, trading as the Southland Peanut Products Co., New Brockton, Ala., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 29, 1937, from the State of Alabama into the State of Kentucky of a quantity of peanut butter which was misbranded. The article was labeled in part: "Jackson, Contents 12 ozs. Net When Packed. Peanut Butter * * * Manufactured for A. Wahking & Sons, Louisville, Ky."

It was alleged to be misbranded in that the statement "Contents 12 ozs.," borne on the jar label, was false and misleading since many of the jars contained less than 12 ounces of the article. It was alleged to be misbranded further in that it was food in package form and the true quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 21, 1937, a plea of guilty was entered by the defendant and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

28657. Adulteration of canned salmon. U. S. v. 510 Cases of Pink Salmon. Consent decree of condemnation. Property released to claimant under bond. (F. & D. No. 38465. Sample Nos. 23766-C, 23796-C.)

A portion of this product was decomposed.

On October 26, 1936, 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 510 cases of canned

salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 24, 1936, by Libby, McNeill & Libby from Craig, Alaska, and charging adulteration in violation of the Food and Drugs Act.

It was alleged that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 28, 1938, Libby, McNeill & Libby, having appeared as claimant and having consented, judgment of condemnation and forfeiture was entered; and it was ordered that the property be released to the claimant under bond conditioned that the bad be separated from the good under the supervision of this Department, and that the product should not be disposed of in violation of the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

28658. Adulteration of candy. U. S. v. 11 Boxes of Kandy Kones (and 3 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 40912, 40913, 40995, 41016. Sample Nos. 53552-C, 53553-C, 53570-C, 53571-C.)

These products were infested with insects.

On November 26 and December 2 and 10, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 boxes of candy at Kingsville and 24 boxes at Laredo, Tex., alleging that the articles had been shipped in interstate commerce on or about September 8 and 20 and October 28, 1937, from New Orleans, La., by the Pelican State Candy Co., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Kandy Kones [or "Ice Cream Cones," "Pussy Willow," or "Peco Squares"] * * * Pelican State Candy Co., New Orleans, La."

They were alleged to be adulterated in that they consisted in whole or in part of a filthy vegetable substance.

On January 7 and 25 and February 1, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28659. Adulteration of butter. U. S. v. 94 Tubs of Butter. Decree of condemnation and forfeiture. Product ordered released under bond to be reworked. (F. & D. No. 41802. Sample Nos. 2222-D, 2223-D.)

This product contained less than 80 percent of milk fat.

On February 4, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 tubs of butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 24, 1938, by Armour Creameries from Mitchell, S. Dak., 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 by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On February 19, 1938, Armour & Co. having appeared as claimant and having admitted all of the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product might be released to the claimant under bond conditioned that it be reworked so that it complied with the law.

W. R. GREGG, *Acting Secretary of Agriculture.*

28660. Adulteration and misbranding of oil. U. S. v. 676 Gallons of Oil. Consent decree of condemnation. Product released under bond for repacking and relabeling. (F. & D. No. 37531. Sample No. 61568-B.)

This product was represented to consist of cottonseed oil and olive oil; whereas it consisted chiefly of vegetable oils other than said oils and was artificially colored.

On April 6, 1936, 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 676 gallons of oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 11, 1936, by Vincent Buonocore from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Fine Oil Boncore Brand."