

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 330, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED APRICOTS.

(SHORT WEIGHT.)

On or about October 14, 1908, G. H. Waters, Pomona, Cal., shipped from the State of California to the State of Indiana 200 cases of canned apricots. Examinations of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examinations that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana. In due course a libel was filed against the said 200 cases of canned apricots, charging misbranding in that each case was labeled in substance in a manner to indicate that each of the cans contained therein weighed  $2\frac{1}{2}$  pounds, whereas in fact the gross weight of each of the cans contained therein averaged from 2 pounds 3 ounces to 2 pounds 5 ounces, and praying seizure, condemnation, and forfeiture.

On June 25, 1909, I. R. Howard entered an appearance, filed his claim to the goods and also filed an answer to the libel, and on the same date the court entered its decree of condemnation and forfeiture and directed that the goods be released to the claimant upon the payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1910.*

