

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2484.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 20 Boxes Nuts. Decree of condemnation by default. Goods ordered sold.

MISBRANDING OF NUTS.

On November 13, 1912, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 boxes of mixed nuts remaining unsold in the original unbroken packages and in possession of E. T. Drury & Co., Baltimore, Md., alleging that the product had been shipped from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "25 Lbs Peerless Brand Fancy mixed nuts."

Misbranding of the product was alleged in the libel for the reason that the contents of each of the packages, as originally put up, to wit, fancy mixed nuts, had been removed from the packages and other contents, to wit, nuts other than fancy mixed and of a cheaper grade, had been placed in each of the packages in their stead. Misbranding was alleged for the further reason that each of the packages bore the statement that the nuts contained therein were "Peerless Brand Fancy Mixed Nuts," which said statement was false and misleading in that they were not so, but were nuts of a cheaper grade.

On February 24, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 31, 1913.*