

7843. Adulteration and misbranding of evaporated apples. U. S. * * * v. 1,200 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 12112, 12113. I. S. Nos. 35-r, 36-r. S. Nos. E-1934, E-1935.)

On January 29, 1920, 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 of the United States for said district a libel for the seizure and condemnation of 1,200 cases of evaporated apples, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about December 27, 1919, by Garcia & Maggini Co., San Francisco, Calif., and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Bon Ton Brand California Fancy Evaporated Apples Packed by Garcia & Maggini Company, San Francisco, California."

Adulteration of the article was alleged in that excessive amounts of water had been mixed and packed with, and substituted in part for, evaporated apples.

Misbranding of the article was alleged in that the statement on the label affixed to the boxes containing the article, to wit, "Fancy Evaporated Apples," was false and misleading and deceived and misled the purchaser. Further misbranding was alleged in that the article was an imitation of, and offered for sale under the distinctive name of, another article. Further misbranding was alleged 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.

On March 19, 1920, Anthony J. Coccaro and Joseph J. Coccaro, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond, conditioned in part that the article be resorted and reevaporated under the supervision of an inspector of the Department of Agriculture and be sold in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7844. Misbranding of hog cholera specific. U. S. * * * v. 5 Packages of Hog Cholera Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11930. I. S. No. 8874-r. S. No. C-1698.)

On February 10, 1920, the United States attorney for the District of Minnesota, 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 5 packages of hog cholera specific, remaining unsold in the original unbroken packages at Jackson, Minn., alleging that the article had been shipped by the Pratt Food Co., Chicago, Ill., on or about May 16, 1916, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Pratts Hog Cholera Specific * * * Blood Purifier * * * Disease Eradicator. * * * For Hog Cholera and other hog diseases."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of fenugreek, gentian, ginger, powdered charcoal, and iron salts.

Misbranding of the article was alleged in the libel in that the product contained no ingredient or combination of ingredients capable of producing the