

package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 10, 1923, the Hallifax Bros. Co., Sacramento, Calif., having entered an appearance as claimant for the property, and it having been determined by the court that the Government had established its case as set forth in the libel for the condemnation of the product, it was ordered by the court that the said products be released to the said claimant upon the execution of bonds in the aggregate sum of \$500, in conformity with section 10 of the act, conditioned in part that the products be reconditioned so as to comply with the requirements of the said act, and that the claimant pay the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture,*

11300. Adulteration of chocolates. U. S. v. 29 Boxes of a Chocolate Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16203. S. No. E-4055.)

On July 17, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 29 boxes of a chocolate product, remaining unsold at Boston, Mass., alleging that the article had been shipped by S. Fisher & Co., Inc., from New York, N. Y., on or about June 24, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "S. F. & Co. Fisher's Solitop * * * Chocolates * * * 48 Solitop Choc. Fruit Bars * * * S. Fisher & Co. Inc. Hoboken, N. J. U. S. A."

Adulteration of the article was alleged in substance in the libel for the reason that an excessive quantity of cocoa shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for chocolate fruit bars, which the said article purported to be.

On January 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture,*