

12392. Adulteration and misbranding of mustard. U. S. v. 18 Dozen Jars and 28 Dozen Jars of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15108. I. S. Nos. 5053-t, 5054-t. S. No. E-3359.)

On July 9, 1921, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 dozen jars, alleged 5-ounce size, and 28 dozen jars, alleged 8-ounce size, of mustard, remaining in the original unbroken packages at Providence, R. I., consigned by the Almond Pure Food Co., Lowell, Mass., alleging that the article had been shipped on or about February 7, 1921, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Harvard Brand Prepared Mustard Made Of Mustard Seed, Mustard Seed Bran, Vinegar, Turmeric and Spices. Almond Pure Food Co. Lowell, Mass. Net Wt. 5 Oz." (or "Net Wt. 8 Oz.").

Adulteration of the article was alleged in the libel for the reason that cornstarch and mustard hulls had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the statement on the labels, "Prepared Mustard made of mustard seed, mustard-seed bran, vinegar, turmeric and spices," and "Net Wt. 5 Oz." or "Net Wt. 8 Oz.," as the case might be, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason 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 May 23, 1924, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12393. Adulteration and alleged misbranding of raspberry jam. U. S. v. 25 Cases of Raspberry Jam. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18268. I. S. No. 20770-v. S. No. W-1463.)

On January 15, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of raspberry jam at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby from The Dalles, Oreg., December 10, 1923, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Raspberry Jam Libby, McNeill & Libby, Chicago. * * * Jellies, Jams and Fruit Butters Are Made Of Ripe Sound Fruit."

Adulteration of the article was alleged in the libel for the reason that the article consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Jellies, Jams and Fruit Butters Are Made of Ripe, Sound Fruit," appearing on the label, was false and misleading and deceived and misled the purchaser.

On April 7, 1924, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation, judgment of the court was entered, finding the product to be adulterated and ordering that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12394. Adulteration and misbranding of milk chocolate. U. S. v. Nissly Swiss Chocolate Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18344. I. S. Nos. 7-v, 1115-v.)

On May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Nissly Swiss Chocolate Co., Florin, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 20, 1922, from the State of Pennsylvania into the State of Virginia, and on or about