

14750. Misbranding of toasted almonds. U. S. v. 2 Cases of Toasted Almonds. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21318. I. S. No. 11046-x. S. No. W-2027.)

On October 15, 1926, 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 seizure and condemnation of 2 cases of toasted almonds, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped by the California Almond Confections Co., from Long Beach, Calif., September 23, 1926, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "All Sweet Toasted Almonds from California A Product Of California Almond Confections Company Long Beach, California Net Weight 1 Ounce."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 1 Ounce," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*