

containing 2 dozen cans, and 47 cases, each containing 1 dozen cans of grapefruit juice, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from Jacksonville, Fla., by Roberts Bros. (Inc.), in part on or about February 5, 1931, and in part on or about February 26, 1931, and had been transported from the State of Florida into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Cans) "Roberts Big R. Brand * * * Juice * * * Florida Grapefruit [or "Roberts Big R. Brand, Florida Grapefruit Juice"] * * * Packed by Roberts Bros. Inc., Winter Haven, Fla. Main Office. Baltimore, Md. U. S. A." The cans in three of the four lots bore statements of the quantity of the contents as follows: "Contents 8 oz.," "Contents 10½ Oz.," or "Contents 1 Pt. 2 Fl. Oz." The cans in the fourth lot bore the statement, "1 Pt. 2 Fl. Oz." overstamped with "3 Pt. 8 Fl. Oz."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statements on the can labels, "Juice * * * Grapefruit," or "Grapefruit Juice," were false and misleading and deceived and misled the purchaser when applied to grapefruit juice containing added sugar. Misbranding was alleged with respect to portions of the article for the further reason that the statements on the can labels, "Contents 3 Pt. 8 Fl. Oz.," "Contents 8 oz.," or "Contents 10½ Oz.," as the case might be, were false and misleading and deceived and misled the purchaser when applied to an article containing less amounts. Misbranding was alleged with respect to the said portions 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 packages, since the statements made were not correct.

On April 21, 1931, Roberts Bros. (Inc.), Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of until relabeled to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18557. Adulteration of canned prunes. U. S. v. 298 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25976. I. S. No. 24019. S. No. 4247.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On March 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 298 cases of canned prunes, remaining in the original unbroken packages at Goodland, Kans., alleging that the article had been shipped by Hunt Bros. Packing Co., from Salem, Oreg., on or about October 21, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Premio Italian Prunes. Distributors B. E. Bridges Co. Goodland, Kansas;" (can) "Premio Brand Italian Prunes. Packed by Hunt Bros. Packing Co. San Francisco, Calif. * * * California Oregon Fruit Distributors. B. E. Bridges Co., Goodland, Kansas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 13, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended adjudged the product adulterated and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18558. Misbranding of butter. U. S. v. 10 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26403. I. S. No. 15521. S. No. 4085.)

Sample cartons of butter from the shipment herein described having been found to contain less than 1 pound, the weight declared on the label, the