

18844. Adulteration and misbranding of fruit pectin jellies. U. S. v. 68 Cases of Fruit Pectin Jellies. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26193. I. S. Nos. 14563, 14564, 14565, 14566. S. No. 4504.)

Samples of fruit pectin jellies from the shipments herein described having been found to contain little, if any, fruit juice, and to be short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 11, 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 68 cases, each containing 24 glasses of fruit pectin jellies, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the C. H. Musselman Co., from Biglerville, Pa., in part on or about June 26, 1930, and in part on or about August 21, 1930, and had been transported from the State of Pennsylvania into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Musselman's Brand Fruit Pectin Grape [or "Raspberry," "Strawberry," or "Currant"] Jelly Manufactured by The C. H. Musselman Co., Biglerville, Pa., Net Contents 16 Ounces."

It was alleged in the libel that the article was adulterated in that a substance deficient in fruit juice, in that it contained but a slight and negligible quantity, if any, of fruit juice, had been substituted for the said article.

Misbranding was alleged for the reason that the following statements, (all flavors) "Net Contents 16 ounces," and "Fruit Pectin Grape Jelly," "Fruit Pectin Raspberry Jelly," "Fruit Pectin Strawberry Jelly" or "Fruit Pectin Currant Jelly," together with the design or device showing cuts of grapes, raspberries, strawberries, or currants, as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser when applied to an article containing but a slight and negligible quantity, if any, of the juice of the fruits named. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles; and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On September 1, 1931, the C. H. Musselman Co., Biglerville, Pa., 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 \$500, conditioned in part that it be relabeled, and should not be sold or disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18845. Adulteration of fish (bluefins). U. S. v. 4 Boxes of Fish (Bluefins). Default decree of destruction entered. (F. & D. No. 26902. I. S. No. 25824. S. No. 5086.)

Samples of fish (bluefins) from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On August 19, 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 four boxes of fish (bluefins), remaining in the original packages at Covington, Ky., consigned by the Hogstad Fish Co., Duluth, Minn., August 15, 1931, alleging that the article had been shipped in interstate commerce from Duluth, Minn., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On August 24, 1931, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for human consumption, a decree was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*