

19408. Adulteration and misbranding of canned cane sirup. U. S. v. 83 Cases, et al., of Canned Cane Sirup. Product ordered released under bond to be relabeled, in lieu of destruction or sale. (F. & D. No. 26826. I. S. Nos. 36167, 36168. S. No. 4998.)

Examination of two lots of alleged open kettle sugar cane sirup involved in this action showed that the article contained undeclared added molasses, that it was not open kettle sirup, and that the cans in one lot contained less than the declared volume.

On August 1, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 108 cases of canned cane sirup, remaining in the original unbroken packages at Tupelo, Miss., alleging that the article had been shipped by Chauvin Bros. Preserving Co., Burnside, La., on or about June 9, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Louisiana Maid Pure Cane Syrup, Planters Syrup Company * * * New Orleans, La.;" (portion of cans) "Contents Three Quarts Eight Fluid Ounces." The can labels also bore a picture of an open kettle.

It was alleged in the libels that the article was adulterated in that a substance other than pure cane sirup, namely, molasses, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Louisiana Maid Pure Cane Syrup Cooked in Open Kettles," together with the picture of an open kettle, appearing on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of each can, since the said cans were labeled as containing 3 quarts and 8 fluid ounces of the article, whereas the said statement was false and incorrect, each of said cans containing a less amount.

On October 14, 1931, the cases having been consolidated and the Planters Syrup Co., New Orleans, La., having appeared as claimant for the property, a decree was entered ordering that the product be delivered to the said claimant to be repacked and relabeled so that it conform to the Federal food and drugs act, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19409. Misbranding of canned cherries. U. S. v. 16 Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27665. I. S. No. 32183. S. No. 5737.)

Examination of canned cherries in the shipments herein described showed that the article fell below the standard promulgated by the Secretary of Agriculture, in that it consisted of water-packed cherries and was not labeled to show that it was substandard.

On January 18, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of canned cherries, remaining in the original packages at Roswell, New Mex., alleging that the article had been shipped in part on or about October 8, 1931, and in part on or about November 2, 1931, by Libby, McNeill & Libby, from Rocky Ford, Colo., and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Hostess Brand Pitted Red Cherries Packed by Libby, McNeill & Libby, Chicago, U. S. A."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was water-packed cherries and its package or label did not bear a plain and conspicuous statement indicating that it was substandard.

On February 23, 1932, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant for relabeling upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession. It was further ordered that the relabeling be conducted under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19410. Misbranding of canned peas. U. S. v. 1,132 Cases, et al., of Canned Peas. Judgments entered ordering product released under bond to be relabeled. (F. & D. Nos. 27328, 27343. I. S. Nos. 44362, 44363. S. Nos. 5476, 5500.)

Samples of canned peas from the shipments herein described having been found to fall below the legal standard for the article, in that they contained an excessive amount of hard peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 1, 1931 and December 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,528 cases of canned peas, remaining in the original and unbroken cases at St. Louis, Mo., alleging that the article had been shipped in part on or about October 16, 1931, and in part on or about October 22, 1931, by H. M. Crites & Co., from Circleville, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) * Crites Best Brand Garden Peas, [or "Peace Brand Garden Peas"] * * * H. M. Crites & Co., Packers & Distributors, Circleville, Ohio."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained an excessive amount of hard peas and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On January 20, 1932, H. M. Crites & Co., Circleville, Ohio, claimant, having admitted that the product was misbranded, and the court having found that the said product was fit for sale and consumption provided it first be labeled with a statement prescribed by the Secretary of Agriculture showing that it was substandard, decrees were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds in the total amount of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19411. Adulteration of dressed herring. U. S. v. 1 Box, et al., of Dressed Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28031, 28246. I. S. Nos. 52169, 55758. S. Nos. 6061, 6099.)

Samples of dressed herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 1, 1932 and April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four boxes of dressed herring at Chicago, Ill., alleging that the article had been shipped by John Sorvick, from Two Harbors, Minn., in part on or about March 27, 1932, and in part on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*