

19737. Adulteration of oysters. U. S. v. 10 Gallons of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27780. I. S. No. 50831. S. No. 5881.)

This action was based on the interstate shipment of oysters, samples of which were found to contain excessive water.

On February 25, 1932, the United States attorney for the Southern District of Ohio, 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 10 gallons of oysters, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by O. E. Wentworth & Co., from Baltimore, Md., on or about February 17, 1932, and had been transported from the State of Maryland into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wentworth's Triangle Brand Oysters * * * Packed by O. E. Wentworth & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for the said product.

On April 13, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19738. Adulteration and misbranding of chocolate-covered cherry bars. U. S. v. Schäll's (Inc.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 27486. I. S. No. 25978.)

This action was based on the interstate shipment of a quantity of chocolate-covered bars containing a cherry filling. Examination showed the presence of artificial color and flavor, benzoate of soda, and sulphur dioxide in the filling.

On January 14, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Schäll's (Inc.), a corporation, Clinton, Iowa, alleging shipment by said company, in violation of the food and drugs act, on or about January 19, 1931, from the State of Iowa into the State of Illinois of a quantity of chocolate-covered cherry bars that were adulterated and misbranded. The article was labeled in part: "Schäll's Chocolate-Covered Cherries 'In Juice' Schäll's Inc. Clinton, Iowa."

It was alleged in the information that the article was adulterated in that a chocolate-covered product containing as part of the cherry filling undeclared substances, to wit, artificial color and flavor, benzoate of soda, and sulphur dioxide, had been substituted for chocolate-covered cherries in juice, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Chocolate Covered Cherries in Juice," was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article consisted solely of cherries in juice (cherry juice) and chocolate, whereas it was composed in part of additional and undeclared substances, to wit, artificial color and flavor, benzoate of soda, and sulphur dioxide.

On April 5, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19739. Adulteration of tomato puree and misbranding of canned tomatoes. U. S. v. 34 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. No. 27648. I. S. No. 41338. S. No. 5688.)

This action was based on the interstate shipment of a quantity of tomato puree, samples of which were found to contain excessive mold, and a quantity of canned tomatoes labeled puree.

On January 12, 1932, the United States attorney for the District of Kansas, 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 34 cases of tomato puree at Arkansas City, Kans., alleging that the article had been shipped by the Ray A. Ricketts Co., from Canon City, Colo., on or about June 25, 1931, and had been transported from the State of