

20319. Adulteration and misbranding of imitation lemon flavor. U.S. v. 17 Cases of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28912. Sample no. 642-A.)

This action involved shipments of quantities of imitation lemon flavor, which upon examination was found to be a worthless imitation having no flavor of lemon.

On September 14, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 17 cases of imitation lemon flavor remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped in interstate commerce in part on or about July 3, and in part on or about July 16, 1932, by S. H. Tyler & Son, from San Francisco, Calif., to Tacoma, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "S. H. Tyler & Son, San Francisco, Cal.;" (carton) "Taylor Brand Imitation Lemon artificially flavored and colored."

It was alleged in the libel that the article was adulterated in that a worthless product devoid of material flavor had been substituted for imitation lemon.

Misbranding was alleged for the reason that the statement "Imitation Lemon" was false and misleading and deceived and misled the purchaser, when applied to a worthless product practically devoid of flavoring value.

On October 22, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20320. Misbranding of butter. U.S. v. 725 Pounds, et al., of Butter. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. nos. 28904, 28905. Sample nos. 8505-A, 8506-A.)

These actions were based on the interstate shipment of quantities of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On August 26 and August 30, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 871 pounds of butter, remaining in the original unbroken packages at Pennbrook, a suburb of Harrisburg, Pa., alleging that the article had been shipped on or about August 13, 1932, by the Sugar Creek Creamery Co., from Evansville, Ind., to Pennbrook, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sugar Creek Butter Full Weight One Pound"; (wrapper on portion) "One Pound Net Weight."

It was alleged in the libels that the article was misbranded in that the correct net weight was not declared.

The Sugar Creek Creamery Co., Evansville, Ind., filed an answer admitting the allegations of the libel and petitioned release of the product under bond. On October 25, 1932, the cases having been consolidated into one cause of action, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled under the supervision of this Department, and that it should not be sold or disposed of contrary to the laws of the United States or of any State, Territory, or District.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20321. Misbranding of canned red kidney beans, canned black-eyed peas, canned lima beans, and canned brown beans. U.S. v. 8¾ Cases of Red Kidney Beans, et al. Products ordered released under bond to be relabeled. (F. & D. nos. 28944, 28945, 28946, 28947. Sample nos. 2238-A, 2239-A, 2240-A, 2241-A.)

These actions involved the shipment of quantities of canned goods which were found to be short weight. Examination also showed that the lima beans and black-eyed peas had been prepared from soaked dry products.

On September 22, 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 $8\frac{3}{4}$ cases of canned red kidney beans, $11\frac{3}{4}$ cases of canned black-eyed peas, $29\frac{3}{4}$ cases of canned lima beans, and $36\frac{3}{4}$ cases of canned brown beans, remaining in the original packages at Clovis, N.Mex., alleging that the articles had been shipped in interstate commerce, in various consignments between the dates of September 25, 1930 and December 16, 1931, by the Waples Platter Co., of Fort Worth, Tex., from Farwell, Tex., to Clovis, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Wapco Brand Red Kidney Beans [or "Black Eyed Peas", or "Baby Lima Beans", or "Brown Beans"] Contents 16 Oz."

It was alleged in the libel that the articles were misbranded in that the statement on the cans, "Contents Sixteen Oz.", was false and misleading and deceived and misled the purchaser, since the cans were short weight. Misbranding was alleged for the further reason that the articles 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 on the label was incorrect. Misbranding was alleged with respect to the said canned black-eyed peas and lima beans for the further reason that the statements, "Black Eyed Peas" and "Lima Beans", borne on the label, were false and misleading and deceived and misled the purchaser when applied to soaked dry products.

On October 27, 1932, the Waples Platter Co. filed a claim and answer admitting the allegations of the libel, agreed to relabel the products to show the correct weight, and to further relabel those which had been made from dried stock as "Soaked Dry Black Eyed Peas", and "Soaked Dry Lima Beans", respectively. Judgment was thereupon entered ordering that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that they be properly relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20322. Misbranding of canned grapefruit juice and canned orange juice. U.S. v. Florida Citrus Products Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 28145. I.S. nos. 34140, 34141.)

This action was based on the interstate shipment of quantities of canned grapefruit juice and canned orange juice, sample cans of which were found to contain less than the declared volume.

On October 21, 1932, the United States attorney for the Southern District of Florida, 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 the Florida Citrus Products Corporation, Lakeland, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about June 8, 1931, and in part on or about June 13, 1931, from the State of Florida into the State of New York, of quantities of canned grapefruit juice and canned orange juice that were misbranded. The articles were labeled in part: (Cans) "Honey Moon Brand * * * Grapefruit Juice [or "Orange Juice"] * * * Florida Citrus Products Corporation Lakeland, Florida * * * Contents 56 Fluid Ozs. [or "Contents Not Less Than 56 Fl. Oz.]."

It was alleged in the information that the products were misbranded in that the statements, "Contents 56 Fluid Ozs." and "Contents Not Less Than 56 Fl. Oz.", borne on the can labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than 56 fluid ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, the maximum net volume in the cans examined from both products being less than 56 fluid ounces, and the average net volume of the cans examined being not more than 50.37 fluid ounces in the case of the grapefruit juice, and not more than 52.31 fluid ounces in the case of the orange juice.

On October 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*