

Court of the United States a libel praying seizure and condemnation of 29 bags of hominy feed at Chewsville, Md., alleging that the article had been shipped in interstate commerce, on or about August 23, 1932, by the Allen & Wheeler Co., from Troy, Ohio, into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Trojan Hominy Feed Analysis Protein 12.00%, Fat 6.00%, Fibre 8.00% * * * The Allen & Wheeler Co., Troy, Ohio."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein 12.00%, Fat 6.00%, Fibre 8%", were false and misleading and deceived and misled the purchaser.

On February 28, 1933, 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.*

20771. Adulteration and misbranding of confectionery. U. S. v. 28 Cases of Confectionery. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29598. Sample no. 2517-A.)

This case involved an interstate shipment of small packaged candy consisting of strawberry-, vanilla-, and chocolate-flavored bars. The strawberry and vanilla bars had no recognizable flavor of strawberry or vanilla and the strawberry bars were also artificially colored. The articles contained little or no eggs, one of the declared ingredients, and also were short of the declared weight.

On December 12, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 28 cases of confectionery at Denver, Colo., consigned by Mars, Inc., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, from Galewood, Ill., to Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cases) "The 3 Musketeers, Chocolate, Vanilla, Strawberry. 3 bars in a package * * * Mars, Inc., Chicago, Ill."; (retail packages) "The 3 Musketeers Over ¼ pound * * * Net Weight 4½ Oz. Made with Fresh Eggs * * * Milk."

It was alleged in the libel that the article was adulterated in that an artificially colored confection having no recognizable strawberry flavor had been substituted for the strawberry bar, and in that a confection having no recognizable vanilla flavor had been substituted for the vanilla bar. Adulteration of the strawberry bar was alleged for the further reason that it had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label, "Vanilla, Strawberry" and "Net Weight 4½ Oz. * * * Fresh Eggs", were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On February 20, 1933, 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 distributed to charitable institutions.

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

20772. Adulteration of dried apples. U. S. v. 11 Boxes of Dried Apples. No claim entered. Verdict for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. no. 29583. Sample no. 26206-A.)

This case involved an interstate shipment of dried apples that were found to be dirty, decomposed, and insect-infested.

On December 2, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 11 boxes of dried apples at Shreveport, La., alleging that the article had been shipped in interstate commerce by Claypool & Hazel from Springdale, Ark., to Shreveport, La., on or about October 1, 1932, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Morning Glory Brand Evaporated Apples, packed by Claypool & Hazel, Springdale, Ark."