

On May 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21147. Adulteration of sweet pickles. U. S. v. 87 Cases of Sweet Pickle Chunks and 187 Cases of Sweet Pickle Slices. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30000. Sample nos. 28568-A, 28569-A.)**

This case involved quantities of sweet pickles that were found to be undergoing active fermentation and to be in part decomposed.

On March 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 274 cases of sweet pickles at Chicago, Ill., alleging that the article had been shipped on or about October 11 and October 17, 1932, by the Hickory Hills Orchards, of Trevlac, Ind., from Helmsburg, Ind., 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 in part of a decomposed, filthy, and putrid vegetable substance.

On May 11, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21148. Adulteration and misbranding of candy (Orange Frolics). U. S. v. Joseph G. Dubin & Sons, Inc. Plea of guilty to counts 1 and 2 of information. Remaining counts dismissed. Fine, \$100. (F. & D. no. 30161. I. S. no. 48644.)**

This action was based on an interstate shipment of hard candies called "Orange, Lime, Wild Cherry, or Lemon Frolics", which contained added undeclared tartaric acid, and no true fruit juices. The orange, lime, and wild cherry "Frolics" were also artificially colored.

On May 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph G. Dubin & Sons, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 19, 1931, from the State of New York into the State of Connecticut, of a quantity of candies that were adulterated and misbranded. Each package of the shipment contained a number of variously named candies labeled in part: "Orange [or "Lemon", "Lime", or "Wild Cherry"] Frolics, Jos. G. Dubin & Sons, Inc., Brooklyn, N. Y.", together with designs of oranges, lemons, limes, or wild cherries.

It was alleged in count 1 of the information that the pieces, labeled "Orange", were adulterated in that a substance, hard candy containing no orange juice but containing undeclared artificial color and tartaric acid, had been substituted for hard candy containing orange juice, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored with undeclared tartaric acid and artificial color in a manner whereby its inferiority to candy containing orange juice was concealed.

Misbranding of the product labeled "Orange" was alleged in count 2 for the reason that the statement "Orange", together with the design of oranges borne on the wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement and design represented that the article contained orange juice in its composition, whereas it did not. Misbranding was alleged for the further reason that an article containing undeclared artificial color and tartaric acid and having no orange juice in its composition had been offered for sale under the distinctive name of another article, namely, orange. Adulteration and misbranding of the remaining products was charged in counts 3 to 8, inclusive, of the information.

On June 20, 1933, a plea of guilty to counts 1 and 2 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$100. The remaining counts were dismissed.

M. L. WILSON, *Acting Secretary of Agriculture.*