

in the sum of \$10,000, conditioned that the currants of different growers be separated and examined, that all lots found to bear excessive lead and arsenic be treated to remove such deleterious ingredients, that all portions found after such examination and treatment to bear excessive lead and arsenic be destroyed, and that those found fit for human consumption be released. On August 16, 1933, the remaining case was consolidated with the aforesaid case, and the conditions and terms of the decree of July 29, 1933, were made applicable to the product involved in both cases.

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

**21281. Adulteration and misbranding of tullibeas. U. S. v. 19 Boxes and 8 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30670, 30673. Sample nos. 32145-A, 32146-A.)**

These cases involved interstate shipments of fish labeled, "Perch", which were found to be tullibeas infested with parasitic worms.

On June 7 and June 8, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 boxes of tullibeas at New York, N.Y., alleging that the article had been shipped on or about June 3 and June 5, 1933, by the Warroad Fish Co., from Warroad, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Perch From Warroad Fish Co., Warroad, Minn."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid substance and in that it consisted of portions of animals unfit for food.

Misbranding was alleged for the reason that the statement, "Perch", borne on the label was false and misleading, since the fish were tullibeas.

On July 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**21282. Adulteration and misbranding of Chocco-Yeast. U. S. v. 1,200 Boxes and 100 Cartons of Chocco-Yeast. Decrees of condemnation entered. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 30570, 30660. Sample nos. 17373-A, 29735-A.)**

These cases involved a product which was labeled to convey the impression that it contained an appreciable amount of yeast and was valuable as a source of the yeast vitamins. Examination of the article showed that it contained an insignificant amount of yeast, also that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 13 and June 23, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,200 boxes and 100 cartons of Chocco-Yeast at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about April 20, from Springfield, Mass., and in part on or about May 31, 1933, from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping records indicate that the 100 cartons of the product were shipped by Chocco Yeast, Inc. The records do not disclose the identity of the shipper of the remainder of the product.

It was alleged in the libels that the article was adulterated in that a mixture containing peanut butter, chocolate, sugar, and a negligible proportion of yeast had been substituted for the article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Chocco-Yeast", "Made with fresh yeast", "Contains vitamins", "Fresh yeast in luscious chocolate", and "Fresh active live yeast in luscious chocolate form", appearing on the labels of the containers, were false and misleading, since they created the impression that the article was essentially a mixture of yeast and chocolate, whereas it contained but an inconsequential proportion of yeast. Misbranding was alleged for the further reason that the article was sold under the name of another article, namely, yeast prepared with chocolate. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Eat three every day for your health", "Made with fresh yeast for your