

deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On August 24, 1933, the Wesson Oil & Snowdrift Sales Co., claimant, having admitted the allegations of the libel and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$1,000, conditioned that the product be returned to the plant of claimant, removed from the cans, and returned to the general stock, and that the cans be destroyed.

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

**21444. Misbranding of canned apricots. U. S. v. 14 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product ordered sold unless taken down under bond for relabeling.** (F. & D. nos. 30532, 30556. Sample nos. 42027-A, 42040-A.)

This case involved a shipment of a product represented to be solid-pack canned apricots. Examination showed that the article was not solid pack, since it contained water as a packing medium, that it fell below the standard for such canned food established by this Department, and was not labeled to indicate that it was substandard.

On June 19, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of canned apricots at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about April 27, 1933, by the Western States Grocery Co., from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gateway Brand Solid Pack Pie Apricots \* \* \* Packed by Perry Canning Co., Perry, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Solid Pack", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, as regards color, uniformity of size, and wholeness, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it was substandard.

On August 14, 1933, no claim having been entered for the property, judgment of condemnation and forfeiture was entered. The decree provided that, upon proof of ownership, the product be delivered to the owner upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled in conformity with the Federal Food and Drugs Act, otherwise that it be sold by the United States marshal.

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

**21445. Adulteration and misbranding of chewing gum (Fruiti-Chews and Fruit Chews). U. S. v. Philip Silvershein, Simon S. Epstein, and Philip Silvershein, Inc. Pleas of guilty. Fines, \$75.** (F. & D. no. 30207. Sample no. 9483-A.)

This case was based on an interstate shipment of a product represented to be fruit-flavored chewing gum. Examination showed that the article contained phenolphthalein, a cathartic drug, which might have rendered it injurious to health; also that it contained no fruit or true fruit flavors.

On July 25, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District court an information against Philip Silvershein and Simon S. Epstein, individuals, and Philip Silvershein, Inc., a corporation, all of New York, N.Y., alleging shipment by said defendants on or about August 6, 1932, under the name of "Epstein", i.e. Simon S. Epstein, of a quantity of chewing gum which was adulterated and misbranded.

A portion of the article was labeled: "National Fruiti-Chews, The National Fruit Chew, scientifically and synthetically blended from choicest foreign and domestic fruit flavors \* \* \* The National Gum Co., Inc., Newark, N.J. [design of various fruits] National Fruiti-Chews. The tang of your favorite fruits." The remainder was labeled: "National \* \* \* Fruit Chews \* \* \* The National Gum Co., Inc., Newark, N.J., U.S.A. Scientifically and synthetically blended from the choicest domestic and foreign fruits."