

21642. Misbranding of candy. U. S. v. Belle Mead Sweets, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29486. I.S. no. 48676.)

Sample packages of candy taken from the shipment of candy on which this case was based were found to contain less than 8 ounces, the declared weight.

On June 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Belle Mead Sweets, Inc., a corporation, trading at Trenton, N.J., alleging shipment by said company on or about February 24, 1932, from the State of New Jersey into the State of New York, of a quantity of candy that was misbranded. The article was labeled in part: "B M S Chocolates Chocolate Peppermints Trenton, N.J. Net Weight 8 Ozs."

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 8 Ozs.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 2, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

21643. Adulteration of crab meat. U. S. v. 103 Pounds, et al., of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30976, 31072. Sample nos. 44118-A, 44120-A.)

These cases involved interstate shipments of crab meat that was found to contain filth and was also in part decomposed.

On August 14 and August 18, 1933, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 187 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Norfolk, Va., on or about August 10 and August 15, 1933, by J. H. Fleming & Co., of Portsmouth, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On November 6, 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.*

21644. Adulteration and misbranding of fruit sirups. U. S. v. 44 Cartons, et al., of Assorted Sirups. Default decrees of condemnation. Portion of product ordered destroyed; remainder delivered to charitable organizations. (F. & D. nos. 30743, 30811. Sample nos. 26634-A, 26635-A, 32470-A, 32471-A.)

These cases involved shipments of raspberry and cherry sirups that contained undeclared malic acid. The statement of the quantity of contents was not expressed in terms of the largest unit nor in terms of liquid measure on the labels of certain of the products.

On July 19, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 44 cartons, each containing one dozen bottles of assorted sirups at Washington, D.C. On August 3, 1933, the United States attorney for the Southern District of New York filed a libel against 12 cases of the products at New York, N.Y. It was alleged in the libels that the articles had been shipped in interstate commerce on or about May 11 and June 9, 1933, by the Orchard Products Co., from Chicago, Ill., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels charged that the articles were adulterated in that a mixture of sugar, water, fruit juice, and inactive malic acid had been substituted for pure fruit sirup. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements, (all bottle labels) "Pure Raspberry [or "Cherry"] Syrup * * * Made

from the juice of fresh raspberries [or cherries] and rock candy syrup", (carton, portion) "Pure Assorted Syrups", (circular portion) "Pure fresh fruit juice syrups * * * Made from Pure unfiltered juices of fresh fruits and rock candy syrup", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to the raspberry and a portion of the cherry 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 packages, since the statement made was not in terms of the largest unit and was not expressed in terms of liquid measure.

On October 18 and November 15, 1933, no claimant having appeared for the property, judgments of condemnation were entered. The lot seized in the District of Columbia was ordered destroyed and the lot seized in the Southern District of New York was ordered delivered to charitable organizations.

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

21645. Adulteration of crab meat. U. S. v. 2 Barrels and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30822, 30958. Sample nos. 37917-A, 37941-A.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On August 3 and August 17, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels containing one hundred and fifty-one 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 31 and August 14, 1933, by McNasby Oyster Co., from Annapolis, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 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.*

21646. Adulteration of crab meat. U. S. v. 1 Barrel and Ninety-six 1-Pound Cans of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30893, 31066. Sample nos. 37927-A, 44132-A.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On August 10 and September 8, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of one barrel, containing one hundred 1-pound cans, and ninety-six 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about August 7 and September 5, 1933, by Amory & Holloway, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 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.*

21647. Adulteration of crab apples. U. S. v. 25 Bushels and 9 Bushels of Crab Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31165, 31244. Sample nos. 46039-A, 46052-A.)

These cases involved interstate shipments of crab apples that were found to bear arsenic in an amount that might have rendered them injurious to health.

On September 15, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 bushels of crab