

payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked so as to comply with the Federal Food and Drugs Act.

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

21944. Misbranding of Krimp Rol Wheat. U. S. v. 15 Cases of Krimp Rol Wheat. Consent decree of condemnation and forfeiture. Product ordered sold, unless taken down under bond for relabeling. (F. & D. no. 31780. Sample no. 50870-A.)

This case involved an interstate shipment of a breakfast cereal the label of which bore unwarranted health claims.

On January 2, 1934, 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 15 cases of Krimp Rol Wheat at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about July 15 and November 1, 1933, by F. W. Zweig & Son, from Fort Collins, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Zweig's Krimp Rol Wheat * * * Krimp Rol is a special blend of two kinds of Colorado Grown Wheat."

It was alleged in the libel that the article was misbranded in that the following statements on the cartons were false, fraudulent, and misleading, and deceived the purchaser, since the article did not have any curative or therapeutic effect, and was wholly devoid of any medicinal qualities or beneficial effect other than would result or be obtained from any ordinary kind of food: "Body building * * * Contains all of the minerals and natural foods necessary to the health and vigor of the human body * * * For those who want to keep well * * * For those who are trying to regain health and vigor * * * Modern Health Food It is especially recommended as a diet food for people suffering from nervousness undernourishment intestinal or stomach trouble, kidney ailments, chronic constipation and many blood disorders It not only aids in curing these ailments but helps to prevent them * * * For Health."

On January 12, 1934, F. W. Zweig & Son having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled, otherwise that it be sold by the United States marshal.

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

21945. Misbranding of canned cherries. U. S. v. 406 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 31781, 31782, 31783. Sample nos. 66683-A, 66685-A, 66686-A.)

Examination of the canned cherries involved in this case showed that the article contained insufficient sugar to bring the sugar content of the liquid portion up to the standard established by this Department, and was not labeled to indicate that it was substandard.

On December 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 406 cases of canned cherries at Pueblo, Colo., consigned by the National Fruit Canning Co., alleging that the article had been shipped in interstate commerce on or about October 28, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "National Red [or "Blue"] Brand Pitted Red Sour Cherries Packed by National Fruit Canning Co., Seattle."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the liquid portion read less than 16 degrees Brix, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 24, 1934, R. Keith Hall, Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs