

Shrimp", "Checker Wet Shrimp", or "Fisher's Sea Best Brand * * * Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 17, 1934, the Fisher Sea Food Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be destroyed.

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

22067. Adulteration and misbranding of fruit sirups. U. S. v. 1,251 Bottles of Cherry Sirup, et al. Decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 31155. Sample nos. 55498-A, 55499-A, 55501-A, 55502-A, 55503-A.)

This action involved quantities of products represented to be pure fruit sirups. They were found to consist of mixtures of sugar, water, fruit juices, and added acid, and would be properly described as fruit-flavored sirups. The statement of the quantity of the contents appearing on the label was not expressed in terms of liquid measure.

On September 25, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure, and condemnation of 7,125 bottles of cherry, fruit punch, loganberry, raspberry, and strawberry sirups at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce in various shipments on or about April 15, May 25, and July 21, 1932, by the Orchard Products Co., from Chicago, Ill., and charging adulteration and misbranding under the Food and Drugs Act as amended. The articles were labeled variously in part: (Bottles) "Pure Cherry" [or "Fruit Punch", or "Loganberry", or "Raspberry", or "Strawberry"] * * * 16 oz. net weight."

It was alleged in the libels that the articles were adulterated in that mixtures of sugar, water, fruit juices, and undeclared added acid had been substituted for pure fruit sirups. 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 statements "Pure Fruit Punch Syrup * * * A delicious blend of fruits, fruit juices and rock candy syrup", "Pure Cherry Syrup [or "Pure Loganberry Syrup", "Pure Raspberry Syrup", or "Pure Strawberry Syrup"] * * * made from the juice of fresh cherries [or "Loganberries", "Raspberries", or "Strawberries"] 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 and for the further reason that they 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 was not expressed in terms of liquid measure.

On September 28, 1933, the Orchard Products Co. having appeared as claimant and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was decreed by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that they be relabeled under the supervision of this Department.

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

22068. Adulteration and misbranding of preserves. U. S. v. Eigelbner Food Products Co. Plea of guilty. Fine, \$150. (F. & D. no. 30253. Sample nos. 18952-A, 18953-A, 18958-A.)

This action involved quantities of preserves that were deficient in fruit and contained undeclared pectin, the strawberry and blackberry also containing added tartaric acid.

On September 22, 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 an information against the Eigelbner Food Products Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Foods and Drugs Act, on or about April 6, 1932, from the State of Illinois into the State of Iowa, of quantities of raspberry, strawberry, and blackberry

preserves that were adulterated and misbranded. The articles were labeled in part: "Plee-Zing Pure Preserves Raspberry [or "Strawberry" or "Blackberry"] * * * Eigelberner Food Products Co."

It was alleged in the information that the articles were adulterated in that excess sugar and water and added pectin had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that mixtures of fruit and sugar with excess water and added pectin containing less fruit and more sugar than pure preserves, and in the case of the strawberry and blackberry, containing added tartaric acid had been substituted for raspberry, strawberry, and blackberry preserves, which the articles purported to be. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Preserves Raspberry" [or "Strawberry" or "Blackberry"] borne on the labels, were false and misleading, for the further reason that the articles were labeled so as to deceive and mislead the purchaser, and for the further reason that they were imitations of other articles and were sold under the distinctive names of other articles.

On February 14, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

22069. Misbranding of apple cider vinegar. U. S. v. 193 Cases, et al., of Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31094. Sample no. 39962-A.)

This case involved a shipment of apple cider vinegar that was found to be short volume.

On September 18, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 511 cases of apple cider vinegar at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about August 14, 1933, by the Shenandoah Valley Apple Cider & Vinegar Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Apple Pie Ridge Full Strength Pure Apple Cider Vinegar Contents One Quart [or "10 Fluid Ounces" or "One Pint"] Shenandoah Valley Apple Cider & Vinegar Co. Winchester, Va."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents One Quart", "Contents 10 Fluid Ounces", and "Contents One Pint", were false and misleading and deceived and misled the purchaser. 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 packages, since the statements were incorrect.

On February 6, 1934, the Shenandoah Valley Apple Cider & Vinegar Co., claimant, having consented to the entry of a decree, 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 and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

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

22070. Adulteration of apple butter. U. S. v. 4 Cases of Canned Apple Butter. Default decree of condemnation and destruction. (F. & D. no. 31611. Sample no. 50372-A.)

This case involved a shipment of apple butter that was found to contain rodent hairs.

On November 20, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 cases of apple butter at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about October 3, 1933, by Cruikshank Bros., from Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cruikshank Cru. Bro. Apple Butter."