

On April 19, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was 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.*

22267. Adulteration and misbranding of liquor-filled candies. U. S. v. 33 Boxes and 33 Boxes of Confections. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31952. Sample nos. 46130-A, 46131-A.)

This case involved an interstate shipment of two lots of confectionery that contained alcohol. In one lot the net weight was not declared on the package, and in the other the contents of the package were found to weigh less than the amount declared.

On February 9, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 boxes of confections at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 18, 1933, by W. Horwitz, from Bronx, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Containers) "Mlle. Modiste Confiseur Rue St. Honore Paris" or "Mademoiselle Modiste Confiseur Rue St. Honore", the individual pieces being labeled, "Mlle Modiste Benedictine [or "Apricot" or "Cognac" or "Rhum"] Confiseur Paris." One of the lots was further labeled, "Poids Net 500 Grammes Paris Londres."

It was alleged in the libel that the article was adulterated under the provisions of the law relating to confectionery in that it contained spirituous liquor.

Misbranding was alleged, under the provisions of the law relating to food, in 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, since one lot failed to bear a statement of the quantity of contents, and the statement made on the packages in the other lot was not correct. Misbranding was alleged with respect to one lot for the further reason that the statement on the label, "Poids Net 500 Grammes", was false and misleading and deceived and misled the purchaser.

On March 8, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was 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.*

22268. Adulteration of olives. U. S. v. 41 Dozen Jars of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31948. Sample no. 52214-A.)

Samples of olives taken from the shipment involved in this case were found to be approximately 11 percent wormy.

On February 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 dozen jars of olives at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about December 29, 1933, by Mawer-Gulden-Annis, Inc., of New York, N.Y., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "La Sevillana Selected Spanish Queen Olives * * * Mawer-Gulden-Annis, Inc., New York."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was 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.*

22269. Adulteration and misbranding of fountain sirup chocolate. U. S. v. 10 2/3 Cases and 10 1/3 Cases of Gumpert's Fountain Sirup Chocolate. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31951. Sample nos. 59652-A, 59653-A.)

This case involved quantities of alleged chocolate sirup which was found to consist of a mixture of sugar, water, and Dutch-process cocoa.

On February 15, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the