

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 1/2 Cases and 10 1/2 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

district court a libel praying seizure and condemnation of 21 cases of Gumpert's Fountain Syrup Chocolate at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the S. Gumpert Co., Inc., in part from Brooklyn, N.Y., on or about November 24, 1933, and in part from Jersey City, N.J., on or about November 29, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "S. Gumpert Co., Inc. Bush Terminal Brooklyn, New York."

It was alleged in the libel that the article was adulterated in that a mixture of sugar, water, and Dutch-process cocoa had been substituted for chocolate fountain sirup; and 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 on the label, "Fountain Syrup Chocolate" and "The superior quality of this Chocolate Fountain Syrup is obtained from the use of only the finest chocolate liquor", were false and misleading and deceived and misled the purchaser, when applied to a mixture of sugar, water, and Dutch-process cocoa. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 6, 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.*

**22270. Adulteration of concentrated apple juice. U. S. v. 104 Barrels of Concentrated Apple Juice. Decree of condemnation, with provision for release under bond. (F. & D. no. 29632. Sample no. 24246-A.)**

This case involved an interstate shipment of concentrated apple juice that contained arsenic and lead in amounts that might have rendered it injurious to health.

On December 14, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 barrels of concentrated apple juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by D. E. Wilcox, from Eliffe, Idaho, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 20, 1933, E. M. Peterson, trading under the fictitious name "Fruit Juices, Inc.", Los Angeles, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant, upon payment of costs and the execution of a bond, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

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

**22271. Adulteration of apples. U. S. v. 27 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31772. Sample no. 56184-A.)**

This case involved an interstate shipment of apples which were found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 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 a libel praying seizure and condemnation of 27 bushels of apples at Rockford, Ill., alleging that the article had been shipped in interstate commerce on or about October 16, 1933, by U. Warren, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 16, 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.*