

**22407. Misbranding of assorted jellies. U. S. v. 15 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32065. Sample nos. 65026-A to 65029-A, incl.)**

Sample jars of jellies taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 1, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of assorted jellies at Detroit, Mich., alleging that the articles had been shipped in interstate commerce, on or about December 30, 1933, by the Glaser, Crandell Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Derby Brand Apple Pectin Jelly Net Wt. 1 Lb. 7 Oz. Glaser Crandell Co., Chicago." Three of the four varieties were further labeled, "Raspberry Flavor", "Currant Flavor", or "Grape Flavor."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "Net Weight One Pound Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser; and 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.

On April 3, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**22408. Misbranding of strawberry preserves. U. S. v. 16¼ Cases of Assorted Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32070. Sample nos. 66757-A, 66758-A.)**

This case involved a shipment of assorted preserves including strawberry preserves. Sample jars taken from the strawberry preserves were found to contain less than the labeled weight.

On March 9, 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 16¼ cases of assorted preserves at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by the California Packing Corporation, from Alameda, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The strawberry preserves were labeled in part: "Gold Crest Brand Strawberry Jam \* \* \* California Preserving Co., Los Angeles, Calif. Net Weight 2½ Lb."

It was alleged in the libel that the strawberry preserves were misbranded in that they were labeled "Net Weight two and one half lb.", so as to deceive and mislead the purchaser, since the jars contained less than 2½ pounds of strawberry preserves. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not stated plainly and correctly on the jars.

On April 5, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., having appeared as claimant for the property 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 \$100, conditioned that the strawberry preserves be relabeled under the supervision of this Department.

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

**22409. Adulteration and misbranding of catsup. U. S. v. 7 Cases and 15¼ Cases of Catsup. Tried to the court. Judgment for the Government. Product ordered released under bond to be relabeled. (F. & D. no. 32078. Sample no. 61395-A.)**

This case involved a shipment of catsup which contained a foreign starch in appreciable amounts, also fibers and gum masses resembling those found in slippery elm bark.

On March 3, 1934, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22½ cases of catsup at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce, on or about January 6, 1934, by the Waples Platter Co., from Fort Worth, Tex., and had been transported from the State of Texas into the State of New

Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A. P. Brand Catsup, Waples Platter Company, Oklahoma, Texas, New Mexico."

It was alleged in the libel that the article was adulterated in that a product containing foreign starch, fibers, and gum had been substituted for catsup.

Misbranding was alleged for the reason that the statement on the label, "Catsup", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 23, 1934, the Waples Platter Co., having appeared as claimant for the property, the case was tried to the court, a jury trial having been waived. After hearing the evidence submitted on behalf of the Government and claimant, the court entered judgment for the Government and ordered that the product be relabeled to show the foreign starch, etc., and that claimant be required to file a bond in the sum of \$200, conditioned upon the proper relabeling of the product, and pay costs of the proceedings.

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

**22410. Adulteration and misbranding of prepared mustard. U. S. v. 33 Cases, et al., of Prepared Mustard. Default decrees of condemnation and forfeiture. Product disposed of by destruction, sale, or delivery to charitable institutions.** (F. & D. nos. 31947, 32081, 32082, 32244, 32394, 32395, 32397, 32432, 32433, 32434, 32435, 32502, 32503, 32532, 32556. Sample nos. 50768, 50769, 50773, 68536, 68538, 68601-A, 68664 to 68668, incl., 68683, 68684, 68969 to 68973, incl.)

These cases involved interstate shipments of prepared mustard. Examination showed that all lots, with one exception, were short weight. The product in several cases was found to contain added mustard bran.

On March 6, 1934, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 83 cases of prepared mustard at Dothan, Ala. Subsequently there were filed in various Federal district courts libels against the following amounts of the product: On March 6 and 19, 1934, against 56 cases at Wilkes-Barre, Pa.; on March 19, 1934, against 118 cases at Pottsville, Pa.; on March 20, 1934, against 98 cases at Little Rock, Ark.; and on March 30, 1934, against 26 cases at Benton, Ark.; 64 cases at Russellville, Ark.; 42 cases at Morrilton, Ark.; 31 cases at Conway, Ark.; on April 4, 1934, against 12 cases at Dothan, Ala.; and 20 cases at Ozark, Ala.; on February 6 and April 11, 1934, against 194 cases at Little Rock, Ark., and on April 19, 1934, against 80 cases at Atkins, Ark. It was alleged in the libels that the article had been shipped in interstate commerce by the Mid-West Food Packers, Inc., from Fowlerton, Ind.; that the shipments had been made between the dates of June 2, 1933 and February 7, 1934, and that the article was misbranded and portions also were adulterated in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Golden Sun Brand [or "Mid-West Brand"] Pure Prepared Mustard. Contents 1 Lb. [Or "2 Lbs.,"] Made by Mid-West Food Packers, Inc., Fowlerton, Ind."

Adulteration was charged against portions of the article in that mustard bran had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Contents 1 Lb." with respect to certain lots, "Contents 2 lbs." with respect to certain lots, and "Prepared Mustard" with respect to certain other lots were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged against portions of the article for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged against all lots found short weight 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, since the statement made was incorrect.

No claimant appeared for the property. On April 19, 1934, the lot seized at Pottsville, Pa., was ordered condemned and destroyed. On April 26, 1934, one lot seized at Wilkes-Barre, Pa., was condemned and ordered relabeled and sold, and on or about May 7, 1934, the remaining lot at Wilkes-Barre, Pa., was condemned and ordered delivered to charitable institutions. On June 5, 1934, the product seized in the Middle District of Alabama was condemned and destroyed, and on June 14, 1934, similar decrees were entered against the cases instituted in the Eastern District of Arkansas.

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