

The Idaho Sales Co. entered an appearance and petitioned for the release of the potatoes under bond for re-grading. On June 16, 1934, the United States attorney having appeared in opposition to the release of the product, the petition was argued and overruled. On June 27, 1934, judgment of condemnation and forfeiture was entered, and it was ordered that the product be delivered to a hospital.

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

**22755. Adulteration and misbranding of maple sirup. U. S. v. 33 Cases, et al., of Sirup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 32566, 32567, 32568. Sample nos. 67000-A, 70001-A, 70002-A, 70003-A, 70011-A, 70035-A to 70039-A, incl.)

These cases involved various shipments of alleged maple sirup which was found to consist of an artificially flavored and colored sirup containing little or no maple sugar sirup.

On April 18, 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 libels praying seizure and condemnation of 167 cases of sirup in part at Newark, N. J., and in part at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 27, and 28, 1934, by the Mountaineer Syrup Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Time Mountaineer Maple Syrup Superior Blended \* \* \* Produced from Pure Cane and Maple Sugars Mountaineer Syrup Corporation of Delaware, New York, N. Y."

It was alleged in the libels that the article was adulterated in that an artificially flavored and colored sugar sirup containing little or no maple sugar sirup had been substituted for maple sirup, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Maple Syrup" and "Produced from Pure Cane & Maple Sugars", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 26 and July 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**22756. Adulteration of walnut meats. U. S. v. 25 Cartons and 9 Cartons of Walnut Meats. Default decrees of condemnation and destruction.** (F. & D. nos. 31778, 32581. Sample nos. 41976-A, 66787-A, 66788-A.)

These cases involved shipments of walnut meats which were wormy, moldy, and rancid.

On December 28, 1933, and April 20, 1934, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 cartons of walnut meats at Butte, Mont., and 9 cartons of walnut meats at Great Falls, Mont., alleging that the article had been shipped in interstate commerce, in part on or about November 28, 1933, and in part on or about December 6, 1933, by Leslie C. Mitchell, from Santa Ana, Calif., and charging adulteration in violation of the Food and Drugs Act.

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

On July 24 and August 24, 1934, no claimant having appeared for the property, judgments of condemnation were 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.*

**22757. Misbranding of olive oil. U. S. v. 7 Cans and 16 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 32594. Sample nos. 68766-A, 68767-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than the volume declared on the label.

On April 24, 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 23 cans of olive oil at Vineland, N. J., alleging that the article had been shipped on or about December 20, 1933,

by the Rome Importing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Gallon [or "½ Gallon"] Superfine Olive Oil Rome Importing Co."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "Net Contents 1 Gallon", and "Net Contents ½ Gallon", were false and misleading and tended to deceive and mislead 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 statement made was incorrect.

On July 5, 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.*

**22758. Misbranding of pepper. U. S. v. 38 Cases of Pepper. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution, or destroyed. (F. & D. no. 32596. Sample no. 67685-A.)**

Sample packages of pepper taken from the shipment involved in this case were found to contain less than 3 ounces, the weight declared on the label.

On April 25, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of pepper at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 14, 1934, by L. E. Rogers, of Binghamton, N. Y., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Its a Rogers Product Pure Pepper 3 Ounces L. E. Rogers, Binghamton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Three Ounces", was false and misleading and tended to deceive and mislead 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 package, since the statement made was incorrect.

On June 30, 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 delivered to a charitable institution, and if no such institution desired the product, that it be destroyed.

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

**22759. Misbranding of vinegar. U. S. v. 212 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32607. Sample nos. 59670-A, 65143-A.)**

Sample bottles of vinegar taken from the shipment involved in this case were found to contain less than 1 quart, the labeled volume.

On or about April 30, 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 212 cases of vinegar at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3 and October 5, 1933, by the C. H. Musselman Co., of Biglerville, Pa., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 1 Quart Rosemary \* \* \* Apple Cider Vinegar \* \* \* Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Quart", was false and misleading and tended to deceive and mislead 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 package, since the statement made was incorrect.

On June 9, 1934, Samuel Kunin & Sons, Inc., Chicago, Ill., 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