

On July 2, 1934, the claimant having filed an answer admitting the allegations of the libel, 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 good and sufficient bond, conditioned that it be relabeled under the supervision of this Department.

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

22842. Misbranding of canned mixed vegetables. U. S. v. 100 Cases of Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32976. Sample no. 64525-A.)

This case involved a shipment of canned mixed vegetables which was composed chiefly of potatoes and carrots, the other varieties pictured on the labeling being present in small amount or entirely absent.

On or about June 22, 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 100 cases of mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by the Krier Preserving Co., from Belgium, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Serv-U-Rite Wisconsin Assorted Vegetables * * * Packed by The Krier Preserving Co., Belgium, Wis."

It was alleged in the libel that the article was misbranded in that the vignette on the label, which included prominent pictorial representation of cabbage, white corn, carrots, tomatoes, celery, potatoes, turnips, onions, lima beans, green and yellow string beans, peas, and green and red peppers, was false and misleading and tended to deceive and mislead the purchaser, in view of the composition of the product, since it consisted chiefly of carrots and potatoes, with small amounts of green string beans, peas, and lima beans, and a trace of celery and onion.

On July 27, 1934, the Wurm Bros. Co., 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 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.*

22843. Misbranding of canned mixed vegetables. U. S. v. 179 Cases of Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32977. Sample no. 64524-A.)

This case involved a shipment of canned mixed vegetables which was composed of a different assortment of vegetables than pictured on the label.

On or about June 22, 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 179 cases of mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, by the Clyman Canning Co., of Merton, Wis., and the Leivenger Co., of Hartford, Wis., from Merton, Wis. (invoiced by the Waupun Canning Co., Waupun, Wis.), and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White City Brand Mixed Vegetables * * * Samuel Kunin and Sons, Inc., Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the vignette on the label, which included in addition to prominent pictorial representations of cabbage, carrots, turnips, and potatoes, pictures of an ear of white corn, a large bunch of celery, two onions, and a tomato, was false and misleading and tended to deceive and mislead the purchaser, in view of the composition of the article, since it consisted chiefly of diced turnips, cabbage, carrots, potatoes, and kidney or lima beans, with small amounts of peas, string beans, yellow corn, and celery.

On July 9, 1934, Samuel Kunin & Sons, Inc., 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