

**22913. Misbranding of preserves and orange marmalade. U. S. v. 15 Cases of Raspberry Preserves, et al. Products released under bond to be relabeled.** (F. & D. nos. 32822, 32975. Sample nos. 72357-A, 72359-A, 72361-A, 72387-A, 72389-A, 72391-A.)

Sample jars of preserves and marmalade taken from the shipments involved in these cases were found to contain less than 1 pound, the labeled weight.

On June 6 and June 19, 1934, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 cases of raspberry preserves, 136 cases of strawberry preserves, 67 cases of assorted preserves, and 27 cases of orange marmalade at Salt Lake City, Utah, alleging that the articles had been shipped in interstate commerce, in various consignments between April 20, 1933, and October 10, 1933, by the National Fruit Canning Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Jars) "Contents 1 Lb. Valamont Brand Pure Raspberry [or "Strawberry", "Pineapple", "Peach", "Cherry", or "Apricot-Pineapple"] Preserves [or "Orange Marmalade"] National Fruit Canning Co., Seattle, Wash."

The articles were alleged to be misbranded in that the statement on the labels, "Contents One Lb.", was false and misleading and tended to deceive and mislead the purchaser, since all products, with the exception of the apricot-pineapple preserves in one of the assorted lots, were found to be short weight. Misbranding was alleged for the further reason that the articles, with the exception of the said apricot-pineapple preserves, were 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.

The National Fruit Canning Co. filed a claim and answer admitting the allegations of the libels, filed good and sufficient bonds in conformity with the law, and petitioned release of the property. On July 14, 1934, decrees were entered ordering the products released to the claimant to be relabeled, and taxing costs against claimant.

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

**22914. Misbranding of canned mixed vegetables. U. S. v. 130 Cases of Canned Mixed Vegetables. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 32861. Sample no. 64522-A.)

This case involved a product which was represented to consist of a large variety of vegetables. Examination showed that it consisted essentially of a mixture of carrots and potatoes, with small amounts of other vegetables.

On or about June 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 130 cases of canned mixed vegetables at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 14, 1934, by the Larsen Co., from Green Bay, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Savoy Mixed Vegetables \* \* \* Steele Wedeles Co., Distributors, Chicago, Ills."

It was alleged in the libel that the article was misbranded in that the design on the label, which included prominent pictorial representations of white corn, carrots, peas, lima beans, green string beans, celery, a turnip, a tomato, and two rather small potatoes, was false and misleading and tended to deceive and mislead the purchaser, since it consisted chiefly of potatoes and carrots, no tomatoes or turnips were present, and yellow corn instead of white corn was present.

On August 3, 1934, Steele-Wedeles 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 \$500, conditioned that it be relabeled under the supervision of this Department.

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

**22915. Misbranding of peanut butter. U. S. v. 175 Cases of Peanut Butter. Default decree of condemnation. Product delivered to welfare organizations.** (F. & D. nos. 32862 to 32866, incl. Sample nos. 38879-A, 38884-A.)

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 9 ounces, the weight declared on the label.

On June 12, 1934, 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 175 cases of peanut butter, in part at Los Angeles, Calif., and in part at Long Beach, Calif., alleging that the article had been shipped in interstate commerce, on or about May 19, 1934, by Preserves & Honey, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Princess Pat Peanut Butter Contents 9 Oz. Williamson Candy Co. Chicago-Brooklyn."

The libel alleged that the article was misbranded in that the statement "Contents 9 Oz." was false and misleading and deceived and misled the purchaser, and 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 August 7, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the product was ordered delivered to charitable or welfare organizations in view of the fact that it was fit for human consumption.

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

**22916. Adulteration and misbranding of egg noodles. U. S. v. Walker Products Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 32903. Sample no. 44142-A.)**

This case was based on a shipment of alleged egg noodles. Examination showed that the product contained less egg solids than egg noodles should contain.

On August 18, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walker Products Co., Inc., Indianapolis, Ind., alleging shipment by said company, on or about August 5, 1933, from the State of Indiana into the State of Maryland, of a quantity of alleged egg noodles which were adulterated and misbranded. The article was invoiced as "Egg Noodles" and was sold under a contract calling for egg noodles.

The article was alleged to be adulterated in that imitation egg noodles containing less egg solids than egg noodles contain, had been substituted for egg noodles, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of another article, and was offered for sale under the distinctive name of another article, egg noodles.

On September 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

**22917. Adulteration of walnut meats. U. S. v. L. Demartini Supply Co. Plea of guilty. Fine, \$50. (F. & D. no. 32908. Sample nos. 45388-A, 64057-A.)**

This case was based on interstate shipments of walnut meats, samples of which were found to be rancid, moldy, or insect-infested.

On August 29, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the L. Demartini Supply Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 2, 1933, from the State of California into the State of Illinois, and on or about December 5, 1933, from the State of California into the State of Idaho, of quantities of walnut meats which were adulterated. A portion of the article was labeled in part: "Packed by L. Demartini Supply Co., San Francisco, Calif."

The information alleged that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, due to the high rancidity of a large percentage of one shipment, and mold and infestation with worms in the other.

On August 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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