

Corporation, Washington, D. C., was being offered for sale in the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "'73 Bourbon' * * * Mill Creek Distillery Havana, Cuba."

The article was alleged to be misbranded in that it 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, "One Pint" on the bond label, was inconspicuous, and since the bottles contained less than 1 pint. Misbranding was alleged for the further reason that the statements, (bottle label) "Caution: This whiskey is guaranteed to be made from choicest American grain under supervision of Government inspectors and distilled by American Distillers", (bond label) "Distilled and bottled in bond * * * under Government supervision", were false and misleading, since they created the impression that the article was of domestic origin; whereas it was not, and this impression was not corrected by the inconspicuous statement on the label, "Havana, Cuba."

On August 20, 1934, the District Wholesale Corporation, Washington, D. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled in a manner approved by this Department.

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

22942. Misbranding of canned cherries. U. S. v. 87 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33002. Sample no. 69238-A.)

This case involved a product labeled "Pitted Cherries." Examination showed that the article contained excessive pits and was not labeled to indicate that it was substandard.

On June 26, 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 87 cases of canned cherries at York, Pa., alleging that the article had been shipped in interstate commerce, on or about April 7, 1934, by the C. & H. Packing Co., Evergreen Fruit Growers Association, from Everett, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Wenatchee Brand Water Pack Pitted Red Sour Cherries * * * Packed by Everett Fruit Products Co., Everett, Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 29, 1934, a claim and answer having been filed admitting the allegations of the libel and consenting to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be relabeled so that it comply with the provisions of the Federal Food and Drugs Act.

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

22943. Misbranding of canned apricots. U. S. v. 52 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 33007. Sample no. 73543-A.)

This case involved a shipment of canned apricots in which the liquid portion was found to contain insufficient sugar to bring the article up to the standard established by this Department, and which was not labeled to indicate that it was substandard.

On June 26, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 cases of canned apricots at Bellingham, Wash., alleging that the article had been shipped in interstate commerce, on or about September 12, 1933, by the Campbell Packing Corporation, from Campbell, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "W. G. Brand Apricots * * * Packed For Washington Grocery Co., Bellingham, Washington."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 6, 1934, the National Grocery Co., Bellingham, Wash., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released to the claimant upon payment of costs and the deposit of cash collateral in the sum of \$150, conditioned that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

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

22944. Adulteration of canned prunes. U. S. v. 131 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33028. Sample nos. 69235-A, 68783-A, 71086-A.)

This case involved a shipment of canned prunes that were found to be in part moldy and dirty.

On June 29, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 131 cases of canned prunes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about April 10, 1934, by the Stayton Canning Co., from Stayton, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On August 3, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

22945. Adulteration of dried peaches. U. S. v. 198 Boxes of Dried Peaches. Product ordered released under bond to be relabeled. (F. & D. no. 32054. Sample no. 62138-A.)

This case involved a shipment of dried peaches that contained excessive moisture.

On March 1, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 boxes of dried peaches at Petersburg, Va., alleging that the article had been shipped in interstate commerce, on or about January 4, 1934, by Guggenlime & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Buena Fruta Brand California Standard Muir Peaches * * * Guggenlime & Company California."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for dried standard peaches, which the article purported to be.

On April 9, 1934, Harwell Bros. & Gibbs, Inc., Petersburg, Va., having appeared as claimant for the property, judgment was entered ordering that the product be released upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled in a manner conforming to the provisions of the Federal Food and Drugs Act.

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

22946. Misbranding of olive oil. U. S. v. 40 Tins and 33 Cans of Olive Oil. Default decrees of condemnation. Product ordered destroyed or distributed to charitable institutions. (F. & D. nos. 33064, 33080. Sample nos. 73552-A, 876-B.)

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than the volume declared on the label.

On July 10 and July 14, 1934, the United States attorneys for the District of Oregon and the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libel praying seizure and condemnation of 40 tins of olive oil at Portland, Oreg., and 33 cans at Seattle, Wash., alleging that the article had been shipped in interstate commerce by Monteverdi, Rollandelli & Parodi, Inc., from San Francisco, Calif., in part on or about February 13, 1934, into the State of Washington and in part on or about April 29, 1934, into the State of Oregon, and charging misbranding