

York"; "Herold's Taste Tells Food Products Contents 8 Ozs. Salad Oil P. Herold & Sons Phila., Pa."

The article was alleged to be misbranded in that the statements, "Contenuto Un Gallone * * * Piena Misura" and "Net Contents One Gallon * * * Full Measure", with respect to a portion, "Net Weight Fl. Oz. 8" with respect to a portion, and "Contents 8 Ozs." with respect to a portion, borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was short of the declared volume.

On April 11, 1935, the defendants entered pleas of guilty to the information and the court imposed fines totaling \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

24560. Misbranding of jellies. U. S. v. 124 Cases of Assorted Jellies. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 33123. Sample nos. 62270-A to 62273-A, incl.)

Sample jars of jellies taken from the shipment involved in this case were found to contain less than 14 ounces, the weight declared on the label.

On August 4, 1934, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cases of assorted jellies at Mabscott, W. Va., alleging that the article had been shipped in interstate commerce on or about March 7, 1934, by the C. H. Musselman Co., from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Musselmans brand Contents 14 oz. * * * Jelly Manufactured by The C. H. Musselman Co. Biglerville, Pa. U. S. A."

The article was alleged to be misbranded in that the statement, "contents 14 oz", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason 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, the quantity being incorrectly stated.

On April 16, 1935, no appearance or answer having been filed, judgment of condemnation was entered. At the request of the shipper and consignee the product was ordered disposed of by delivery to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

24561. Adulteration and misbranding of chocolate-flavored egg malted milk. U. S. v. 17 5/6 Dozen Glasses of Kingco Egg Malted Milk Chocolate Flavor. Default decree of condemnation and destruction. (F. & D. no. 33245. Sample no. 6586-B.)

This case involved a product consisting of a mixture of sugar, skim milk, and flavor containing little or no egg or malted milk, which was labeled to indicate that it consisted principally of egg malted milk.

On or about August 14, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 5/6 dozen glasses of Kingco egg malted milk chocolate flavor at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 4, 1934, by the Doral Food Products Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kingco Egg Malted Milk Chocolate Flavor * * * Egg Malted Milk, Dutch Cocoa, Chocolate Flavor, DeFatted Milk, Malt, Sugar Doral Food Products Co. Inc. New York City Complies with All Pure Food Laws."

The article was alleged to be adulterated in that sugar and skim milk had been mixed and packed therewith so as to reduce and lower its quality; in that a mixture of sugar, skim milk, and flavor containing little, or no, egg and little, or no, malted milk had been substituted for egg malted milk; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Malted Milk" and "Complies with all Pure Food Laws", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*