

25999. Misbranding of assorted dried fruit. U. S. v. 887 Packages of Assorted Dried Fruit. Default decree of condemnation. Product disposed of for relief and charitable purposes. (F. & D. no. 37230. Sample no. 43862-B.)

This case involved shipment of assorted dried fruit that contained added sulphur dioxide, the declaration of which was practically illegible.

On February 24, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 887 packages of assorted dried fruit at South Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 17, 1936, by the Prince Dried Fruit Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "New Crop Selected Fruit. Prince Dried Fruit Co., New York * * * Sulphur Dioxide."

The article was alleged to be misbranded in that it was labeled or branded so as to deceive and mislead the purchaser in that the declaration of the presence of added sulphur dioxide was made inconspicuously on the bottom of the package with an illegible rubber-stamp impression.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be disposed of for relief and charitable purposes.

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

26000. Adulteration of butter. U. S. v. 38 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 37243. Sample no. 42628-B.)

This case involved a product made principally from cottonseed oil, colored with coal-tar color, that was sold as butter.

On January 29, 1936, 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 38 tubs of butter at Jersey City, N. J., alleging that on or about May 3 and May 4, 1934, the article had been delivered for shipment by the Seaboard Terminal & Refrigeration Co., of Jersey City, N. J., to the truck of Carl Ahlers, Inc., of New York, that it was returned via truck of M. Rosner, by Carl Ahlers, Inc., to the said Seaboard Terminal & Refrigeration Co., Jersey City, N. J., on or about May 8, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product consisting wholly or in part of a hydrogenated cottonseed oil, colored with coal-tar color in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the article.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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