

On October 5, 1936, the Lemonina Products Corporation, the claimant, having withdrawn its answer, judgment of condemnation was entered and it was ordered that the product be destroyed and the bottles returned to the claimant and that the claimant pay costs of the proceedings.

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

26306. Misbranding and alleged adulteration of preserves. U. S. v. 36, 57, and 84 Jars of Preserves. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 37080. Sample nos. 44002-B, 44007-B, 44008-B.)

This case involved quince, loganberry, and blackberry preserves which contained added water; the blackberry also contained added pectin; the loganberry and blackberry were short-weight.

On February 3, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 jars of preserves, at Providence, R. I., alleging that the articles had been shipped in interstate commerce between the dates of October 16, 1935, and December 3, 1935, by the White Gate Products Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were labeled: "White Gate Pure Quince [or "Loganberry" or "Blackberry"] Preserves Net Wt. 2 Lbs. White Gate Products Corp. N. Y."

The articles were alleged to be adulterated in that water—and in the case of the blackberry preserves, also pectin—had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; and in that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Quince Preserves", "Pure Loganberry Preserves Net Wt. 2 Lbs", "Pure Blackberry Preserves Net Wt. 2 Lbs.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products that contained moisture which should have been removed, a part of which also contained pectin and a part of which were short in weight. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding of the loganberry and blackberry preserves was alleged for the further reason that they were 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 was not correct.

On June 10, 1936, no claimant having appeared, judgment was entered finding the products misbranded and ordering that they be condemned and forfeited. They were distributed to various charitable institutions.

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

26307. Adulteration and misbranding of tomato juice. U. S. v. 200 Cases of Tomato Juice in Cans. Default decree of destruction. (F. & D. no. 37286. Sample no. 68703-B.)

This case involved tomato juice that contained excessive mold and that was short in volume.

On March 2, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tomato juice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 9, 1935, by Robinson Canning Co., from Siloam Springs, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (can) "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed By Robinson Canning Co. Robinson, Ark."

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

The article was alleged to be misbranded in that the statement on the label, "Contents 10 Fl. Oz.", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 10 fluid ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 21, 1936, no claimant having appeared and the court having found the article adulterated and misbranded, judgment was entered ordering that the product be destroyed.

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