

26337. Adulteration of nougat. U. S. v. 10 Cases, 8 Cases, and 7 Cases of Nougat. Default decrees of condemnation and destruction. (F. & D. no. 37758. Sample nos. 42229-B, 42249-B, 42250-B.)

This case involved nougat-type confectionery that was undergoing fermentation and was rancid and moldy.

On May 22, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 cases of nougat-type confectionery at New York City, N. Y., alleging that the article had been shipped by Vicente Rossello, from Barcelona, Spain, having arrived at New York on or about December 9, 1935, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Turron Jijona [or "Turron Yema" or "Turron Mazapan"] Turrones Extra-Finos * * * Nougat Made in Spain * * * Conservadas Vicente Rossello Palma de Mallorca."

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

On June 29, 1936, no claimant having appeared, judgments of condemnation were entered ordering that product be destroyed.

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

26338. Adulteration of flour. U. S. v. 107 Sacks and 15 Sacks of Flood-Damaged Flour. Default decree of condemnation and destruction. (F. & D. no. 37768. Sample nos. 65691-B, 65692-B.)

This case involved flour that was contaminated by floodwater.

On May 28, 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 122 sacks of flood-damaged flour at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about March 15, 1936, by Washburn Crosby Co., Inc., from Buffalo, N. Y., and charging adulteration in violation of the Food and Drugs Act.

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

On August 31, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

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

26339. Adulteration and misbranding of apricot juice. U. S. v. 465 Cases of Apricot Juice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37771. Sample no. 73853-B.)

This case involved apricot juice that contained added water in excess of the amount indicated by the statement on the label, "sugar syrup added."

On June 3, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 465 cases of apricot juice at Denver, Colo., shipped by Richmond-Chase Co., alleging that the article had been shipped in interstate commerce on or about March 26, 1936, and April 20, 1936, from San Jose, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Solitaire Apricot Juice * * * Juice made from fresh tree ripened apricots with sugar syrup added. The Morey Mercantile Co., Distributors, Denver, Colorado."

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that water had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "Apricot Juice" and "Juice made from fresh tree ripened apricots with sugar syrup added", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing added water in excess of that indicated by the statement "sugar syrup added."

On June 26, 1936, the Clark-Thurber Brokerage Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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