

3084. Adulteration of mushrooms. U. S. v. 3 Bales Dried Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5187. S. No. 1786.)

On April 30, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bales of dried mushrooms, 2 of said bales weighing 403 pounds and 1 bale weighing 220 pounds, remaining unsold in the original unbroken packages and in possession of The Northwestern Storage Warehouse, Chicago, Ill., alleging that the product had been shipped by K. Marks & Co., New York, N. Y., on November 8, 1912, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On June 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by fire by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3085. Adulteration of tomato conserve. U. S. v. 25 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5188. S. No. 1792.)

On May 11, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of tomato conserve remaining unsold in the original unbroken packages and in possession of the Denver & Rio Grande Railway Co., Salt Lake City, Utah, alleging that the product had been shipped by Ignatius Gross Co., New York, N. Y., on or about April 8, 1913, and transported from the State of New York into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Order of I. Gross Co. Notify N. K. Nassilacopoulos, Salt Lake City, Utah." (On cans) "Tomato Conserve—American Conserve Co. New York. I. G. Conserva Di Tomate Packed by our special process. Rossa Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906. Serial No. 9270. Containing 1-10 of 1% of Benzoate of Soda and 15% of Salt."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 1, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3086. Misbranding of beer. U. S. v. 25 Cases of Beer. Decree of condemnation by default. Product ordered sold or destroyed. (F. & D. No. 5189. S. No. 1793.)

On April 29, 1913, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 2 dozen bottles of beer, remaining unsold in the original unbroken packages and in the possession of the Ernst Tosetti Brewing Co., Milwaukee, Wis., alleging that the product had been shipped on April 12, 1913, by the said Ernst Tosetti Brewing Co., Chicago, Ill., and transported in interstate commerce from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On neck) "Pale Pilsener Style—Tosetti

Process" (On main label) "Tosetti process—Real German Beer—Brewed and bottled at the Brewery shown below by Ernst Tosetti Brewing Co. (Picture of Brewery) Chicago, U. S. A.—this beer should be kept in a cool dark place with bottles in horizontal position. Notice to public; this beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz. (Known the world over as the biggest hop center, where the climatic conditions together with the soil, produce the very finest vines, therefore, the dealers selling this beer, either in bottles or on draught give the greatest value for the money. It costs the dealer more than any American beer on account of the material used, its absolute purity and great age. Guaranteed by the Ernst Tosetti Brewing Co. under the food and drugs act June 30, 1906. Serial number 3618)."

Misbranding of the product was alleged in the libel for the reason that the bottles containing it bore certain representations and statements regarding it and the ingredients and substances contained therein which were false and misleading, and among said false and misleading statements was the following, to wit, "This beer is brewed from the finest Bohemian hops and choicest Western Malts. The hops are imported from the famous town of Saaz," appearing on the label was calculated to convey the impression and deceive the public into believing, and caused and led buyers and consumers thereof to believe that the product was manufactured and made only from the finest Bohemian hops and choicest western malts, whereas, in truth and in fact, the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia, and in the manufacture of said product a cereal or cereal product and not a malted product had been used and substituted for malted barley. Misbranding was alleged for the reason that the statement "Real German Beer" appearing on the label was calculated by the use of said expression to convey the impression and deceive the public into the belief and caused and led buyers and consumers thereof to believe that the product was a malted beer, made and manufactured from malt, whereas, in truth and in fact, some cereal product or sugar had been substituted for malt and malted barley.

On June 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, or, if not sold, should be destroyed. (When this case was reported for action no claim was made by this department that "the beer was not made and manufactured from Bohemian hops imported from the famous town of Saaz or from any town in Bohemia.")

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3087. Misbranding of coffee. U. S. v. 6 Canisters of Coffee and Chicory. Decree of condemnation by consent. Product released on bond. (F. & D. No. 5190. S. No. 1794.)

On May 6, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel for the seizure and condemnation of 6 canisters, each purporting to contain 60 pounds of coffee and chicory, remaining unsold in the original unbroken packages, and in possession of the Lewis Transfer Co., Memphis, Tenn., alleging that the product had been shipped on or about April 25, 1913, by Jaburg Bros., New York, N. Y., and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled "60 Lbs. net. C. C. Blend—Jaburg Bros., Coffees, New York." "Jaburg—Perfection—Coffee. Jaburg Bros., New York. Jaburg Bros. Specialist in hotel and lunch room coffees, 1 & 3 Worth St., 10 & 12 Leonard St., New York. Notice.—Please be careful with cans and crates and return in lots of six—Coffee and chicory."