

3121. Misbranding of so-called Greek liquors. U. S. v. 27 Cases of Alleged Greek Liquors. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5246-5253. S. No. 1833.)

On June 6, 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 of certain articles of food called, respectively, Brandy, Tsipouro Pharos, and Mastich Pharos, liquors or beverages contained in 27 cases. Six of the cases each contained 1 dozen bottles of brandy; one of the cases contained 1 dozen bottles of Tsipouro Pharos; 14 of the cases contained 1 dozen bottles of Mastich Pharos; one of the cases contained an assortment of the articles, consisting of 6 bottles of the brandy, 3 bottles of the Tsipouro Pharos, and 3 bottles of Mastich Pharos, remaining unsold in the original unbroken packages, in the possession of Ganotis & Pilafas, the Nasiacos Importing Co., Cotsiopoulos & Trampas, Phoenix Importing Co., the Protopapas Grecian Café, and Christ Katsirubas, all of Chicago, Ill., alleging that the product had been shipped on April 3 and April 9, 1913, by the Tsouchlos Oriental Distillery Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product known as brandy was labeled: "Oriental Brandy Extra Fine from raisins The Tsouchlos Oriental Distillery Co. Direct importer of the rude materials from Athens. We draw the particular attention of the consumer to that every product of our distillery is always labeled with our trade mark. Beware of imitations The brandy of the Tsouchlos Oriental Distillery Co. is the pure product of raisins and can be compared with the best brandies imported from Europe, especially with those from France. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)." The product known as Tsipouro Pharos was labeled: "Tsipouro Pharos It contains Anise Extra Extra Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)." The product known as Mastich Pharos was labeled: "Mastich Pharos It contains Mastich and Anise Extra Extra This bottle contains mastika, anniseed, with sugar and alcohol (ethyl) to the amount of about 30%, and guaranteed by the manufacturer under the Food and Drugs Act of the United States known as Pure Food Law, Registration of trade mark applied for. Guaranteed by The Tsouchlos Oriental Distillery Company under the Food and Drugs Act. June 30, 1906. Serial No. 48921. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek letters and representations of coats of arms and medals of award)."

Misbranding of the products was alleged in the libel for the reason that they were labeled as set forth above, which said statements upon the labels on the cases, and the statements, designs, and devices upon the labels on the bottles were false and misleading in that the labels purported to state that the articles of food were foreign products manufactured in Greece, whereas, in truth and in fact, the articles aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York in the State of New York in the United States of America. Misbranding was alleged for the further reason that the statements upon the labels on the cases, and the statements, designs, and devices upon the labels on the bottles misled and deceived the purchaser into the belief that the articles of food were foreign products manufactured in Greece, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and

Youngstown Cider and Vinegar Co., Youngstown, Ohio, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Guaranteed under the Food and Drug Act June 30, 1906, Galls 48 Cider Vinegar."

Adulteration of the product was alleged in the libel for the reason that a dilute solution of acetic acid, artificially colored in order to conceal inferiority, had been substituted in whole or in part for cider vinegar. Misbranding was alleged for the reason that the 40 barrels were labeled "cider vinegar," when, in fact, it was a vinegar in which distilled vinegar or a dilute solution of acetic acid, artificially colored, had been added.

On July 29, 1913, the said Miller Bros. Wholesale Grocery Co., Wheeling, W. Va., claimant, having filed its petition in the case, judgment of condemnation and forfeiture was entered, the court finding the product misbranded. It was ordered by the court that the product should be delivered to said claimant, the costs of the proceeding having been paid by it and a good and sufficient bond having been executed by it in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 21, 1914.*

3123. Adulteration of canned pineapple. U. S. v. 50 Cases of Canned Pineapple. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5255. S. No. 1836.)

On June 9, 1913, the United States Attorney for the District of Massachusetts, 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 50 cases of canned pineapple, remaining unsold in the original unbroken packages at Boston, alleging that the product had been shipped by Charles T. Howe & Co., New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Diamond Head Hawaiian Crushed Pineapple in juice. Finest Quality Extras—Packed by Pearl City Fruit Co., Ltd. Terr. of Hawaii.—Picked when ripe and packed same day—Canned where grown—Guaranteed by the Pearl City Fruit Co., Ltd. under the Food and Drugs Act, June 30, 1906—Serial No. 13399."

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

On September 4, 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., *May 21, 1914.*

3124. Misbranding of Stramoline. U. S. v. 8 Cases of Stramoline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5256. S. No. 1834.)

On June 13, 1913, the United States Attorney for the District of Colorado, 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 8 wooden cases, each containing 6 12-ounce bottles of stramoline, remaining unsold in the original unbroken packages and in the possession of the Davis Bros. Drug Co., Denver, Colo., alleging that the product had been transported from the State of Oklahoma into the State of Colorado and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On