

Analyses of samples of the article by the Bureau of Chemistry of this department showed that they were turbid, that upon evaporation they left a foreign odor, and that they contained hydrochloric acid or other chloride, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia.

On September 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12760. Adulteration and misbranding of grape beverage. U. S. v. Val Blatz Brewing Co., a Corporation. Plea of guilty. Fine, \$100.
(F. & D. No. 17242. I. S. No. 2627-t.)

On April 10, 1923, 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 an information against the Val Blatz Brewing Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about May 27, 1922, from the State of Wisconsin into the State of Iowa, of a quantity of grape beverage which was adulterated and misbranded. The article was labeled in part: (Bottle) "Grape Drink Blatz Grape Artificially Flavored And Colored Blatz Products Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained little or no fruit and consisted essentially of an artificially colored sugar solution, to which tartaric acid and artificial flavor had been added.

Adulteration of the article was alleged in the information for the reason that a sugar solution artificially colored and flavored had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted for a product derived from grape, which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to a product derived from grape, and was artificially colored and flavored so as to simulate the appearance and taste of a product derived from grape and in a manner whereby its inferiority to such product was concealed.

Misbranding was alleged for the reason that the statements in prominent type, to wit, "Grape Drink" and "Grape," not corrected by the statement in very inconspicuous type, "Artificially Colored and Flavored," together with the designs and devices of bunches of grapes, borne on the labels attached to the bottles containing the article, were false and misleading in that they represented that the article was a product derived from grape, namely, a grape juice beverage, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product derived from grape, namely, a grape juice beverage, whereas, in truth and in fact, it was not but was a sugar solution artificially colored and flavored.

On July 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12761. Misbranding of milk chocolate kisses. U. S. v. Fleetwood Chocolate Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18093. I. S. Nos. 415-v, 416-v.)

On May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fleetwood Chocolate Co., a corporation, trading at Fleetwood, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 7 and March 20, 1923, respectively, from the State of Pennsylvania into the State of New York, of quantities of milk chocolate kisses which were misbranded. The article was labeled in part: "Fleetwood Milk Made * * * Chocolate Kisses * * * 5 Pounds Net Weight" (or "2½ Lbs. Net Weight").

Examination by the Bureau of Chemistry of this department of samples from boxes of each size showed that the average net weight of 20 of the

alleged 5-pound boxes was 4 pounds 10.6 ounces and that the average net weight of 12 of the alleged 2½-pound boxes was 2 pounds 5.6 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "5 Pounds Net Weight" and "2½ Lbs. Net Weight," borne on the respective sized boxes containing the said article, were false and misleading in that the said statements represented that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, whereas, in truth and in fact, the said boxes contained less than the amounts declared on the respective boxes. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 3, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12762. Misbranding of butter. U. S. v. 75 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18714. I. S. No. 18249-v. S. No. C-4407.)

On May 31, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Western Creamery Co., from Kansas City, Mo., on or about May 21, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "Net Weight One Pound."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight One Pound," borne on the prints, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 14, 1924, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12763. Misbranding of butter. U. S. v. 29 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18785. I. S. No. 18254-v. S. No. C-4411.)

On June 14, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Meridian Creamery Co., from Meridian, Miss., on or about May 30, 1924, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "1 lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "1 lb. Net Weight," borne on the cartons containing the article, was false and misleading and deceived and misled the purchaser.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1924, Southern Creameries (Inc.), Meridian, Miss, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*