

On March 11, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13610. Adulteration and misbranding of grape concentrate. U. S. v. 3 Cases of Grape Concentrate. Default decree, adjudging product to be adulterated and misbranded and ordering its destruction.** (F. & D. No. 20073. I. S. No. 14460-v. S. No. W-1655.)

On May 21, 1925, the United States attorney for the Southern District of California, 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 3 cases of grape concentrate, shipped by the Pacific Coast Distributing Co., from Los Angeles, Calif., to Portland, Oreg., and returned to the shipper and remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Portland, Oreg., on or about May 14, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that an imitation grape sirup had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels on the bottles containing the article bore the statements, to wit, "Concordine Concentrate \* \* \* is true Grape and the only Grape concentrate ever manufactured and put before the public of which it can be safely said that it is made From Grapes Tastes Like Grapes and Looks Like Grapes," and a picture showing bunches of grapes, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it 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 13, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13611. Adulteration and misbranding of apple jelly. U. S. v. Old Virginia Orchard Co., Inc. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 18730. I. S. Nos. 3439-v, 3441-v.)

On July 14, 1924, the United States attorney for the Western District of Virginia, 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 Old Virginia Orchard Co., Inc., Front Royal, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 29, 1922, from the State of Virginia into the State of South Carolina, and on or about March 27, 1923, from the State of Virginia into the State of North Carolina, of quantities of apple jelly which was adulterated and misbranded. The article was labeled in part: (Jar) "Maiden Blush Brand \* \* \* Pure Apple Jelly Old Virginia Orchard Co. Inc. Front Royal, Va. U. S. A. Net Weight 6½ Oz."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a pectin jelly containing added phosphoric acid and the average net weight of 12 jars was 5.87 ounces.

Adulteration of the article was alleged in the information for the reason that a product composed in part of pectin jelly and containing added phosphoric acid had been substituted for pure apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Maiden Blush Brand Pure Apple Jelly," "Made Where The Fresh Fruits Grow," "Net Weight 6½ Oz.," together with a design showing primitive jelly manufacturing plant, basket containing apples, and section of orchard, borne on the jars containing the article, were false and misleading, in that the said statements and design represented that the article consisted wholly of pure apple jelly and