

so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 17, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16644. Misbranding of olive oil. U. S. v. 10 Gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22263. I. S. No. 21522-x. S. No. 309.)

On December 8, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 gallon cans of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by A. Gash & Co. (Inc.), from New York, N. Y., on or about November 9, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Olio d' Oliva Vergine Marca Agash Italia Prodotti Italiana Contenuto One Gallone Netto Italian Product Virgin Olive Oil Gash Brand Italy Net Contents One Full Gallon A Gash Importer and Packer Oneglia, Italy, N. Y. U. S. A."

It was alleged in the libel that the article was misbranded in that the statement, borne on the label, to wit, "Net Contents One Full Gallon," was false and misleading and deceived and mislead the purchaser.

On December 12, 1928, A. Gash & Co. (Inc.), New York, N. Y. claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$50, conditioned in part that it be emptied into barrels under the supervision of this department, and relabeled with a plain and conspicuous statement of the net volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16645. Adulteration of canned cherries. U. S. v. 44 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22428. I. S. No. 20268-x. S. No. 521.)

On February 9, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 44 cases of canned cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by the G. C. Salter Co., from Victor, N. Y., on or about August 31, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pie Makers Special Pitted Red Sour Cherries * * * Packed by The J. Salter Co. (or "The G. C. Salter Co."), Manchester, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, worms and decayed spotted cherries.

On November 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16646. Misbranding of butter. U. S. v. 31 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23931. I. S. No. 03717. S. No. 2166.)

On July 29, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 cases, each containing 30 pounds, and 1 case containing 15 pounds of butter at Newark, N. J., alleging that the article had been shipped from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 22, 1929, and transported from the State of New York into the State of New

Jersey, and charging misbranding in violation of the food and drugs act as amended. The said butter was in prints labeled: "8 Ounces Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "8 Ounces Net," was false and misleading and deceived and misled the purchaser; and in 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, since the statement "8 ounces net" was incorrect.

On July 31, 1929, M. Augenblick & Bros., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be delivered to the factory to be reprinted into full one-half-pound pieces.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16647. Adulteration and misbranding of grape bricks. U. S. v. 50 Cases of Grape Bricks. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21928. I. S. Nos. 12802-x to 12808-x, incl. S. No. E-3285.)

On or about May 26, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of grape bricks, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Vino Sano Co., from San Francisco, Calif., on or about April 8, 1927, and transported from the State of California into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, corn sugar, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and in that a substance, namely, corn sugar and tartaric acid, had been substituted in part for the said article.

It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, general paragraph and paragraphs 2 and 4, in the case of food, in that the following statements, to wit, "Grape Bricks * * * Recipes for making Grape Juice * * * Grape Brick * * * fruit juice—the juice * * * Vino Sano Grape Bricks are the dehydrated, compressed substances as found in the choicest California grapes, carefully blended with selected flavors from imported vines, scientifically prepared by the newest process of dehydration, without the use of any harmful, artificial or synthetic chemical or preservative, and conform to the Pure Food Laws of the United States, and its States * * * Then it makes a delicious, non-alcoholic, unfermented Grape Juice beverage. * * * Grape Brick * * * Grape Juice * * * grape liquids or berry juices * * * Vino Sano Grape Bricks contain the dehydrated contents of choice grapes, carefully blended with flavors. When dissolved in a gallon of water, it acts in the same manner as a gallon of freshly crushed grapes * * * Contents of this package conform with the pure food laws of the United States. (Design of clusters of grapes) Grape brick dissolved in plain water makes delicious non-alcoholic unfermented grape juice. Grape bricks are the dehydrated, compressed substances as found in the choicest grapes, carefully blended with selected flavors from imported vines, scientifically prepared by the newest process of dehydration, without the use of any harmful, artificial or synthetic chemical or preservative, and conform to the Pure Food Laws of the U. S. * * * Grape Juice * * * the juice acts just like the juice from freshly pressed grapes. * * * Grape Brick * * * Then it makes a delicious non-alcoholic, unfermented grape juice beverage * * * Grape Juice * * * Grape Brick * * * fruit juice * * * the juice * * * Eighty-five per cent of the weight of fresh grapes for juice-making purposes is waste matter (water). It must be transported at a high tariff from one state to another. Water can be obtained everywhere in the United States. But it is the water (ELO) in the fresh grapes, which brings about their ruin, when kept standing too long on railroad sidings or on long overland hauls through hot climes. Therefore grapes must be shipped in highly expensive refrigerating cars. Our process of dehydration does away with all that expense and bother. The consumer may keep our grape juice extract compound without danger of deterioration for months and even years, and when he wants to turn it into grape juice, he simply has to open the water faucet and add the water which was artificially extracted * * * for the making of home-made