

21434. Adulteration of beer. U. S. v. 4,998 Cartons of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30735. Sample no. 37288-A.)

This case involved a shipment of bottled beer which was found to be sour.

On July 14, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,998 cartons of bottled beer at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 12, 1933, by the Brooklyn Bottling & Distributing Co., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Interbror Beverage Corp. Brooklyn, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 21, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21435. Adulteration of tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30697. Sample no. 41926-A.)

This case involved a shipment of tomato catsup which contained excessive mold.

On July 5, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of tomato catsup at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce, on or about November 16, 1931, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Smith Brand Catsup * * * Packed for Smith Canning Company. Clearfield, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 2, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21436. Adulteration of butter. U. S. v. 176 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30968. Sample no. 47071-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 5, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 tubs of butter at Somerville, Mass., consigned July 26, 1933, alleging that the article had been shipped in interstate commerce by the Clinton Creamery, Clinton, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1933, the Pipestone Produce Co., Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be reworked, under the supervision of this Department, so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21437. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31170. Sample no. 40363-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 30, 1933, by the Genoa Cooperative Creamery Co., from Genoa, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 13, 1933, the Genoa Cooperative Creamery Co., 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21438. Adulteration and misbranding of cherry, raspberry, peach, and strawberry preserves. U. S. v. 133 Cases of Strawberry, Peach, Cherry, and Red Raspberry Preserves, et al. Default decrees ordering products delivered to charitable institutions, or destroyed. (F. & D. nos. 29889, 29890. Sample nos. 18206-A to 18213-A, incl.)

These cases involved interstate shipments of preserves which contained a higher proportion of sugar and a lower proportion of fruit than prescribed by the United States standards.

On March 14, 1933, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 267 cases of preserves at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 13, 1932, by the William Edwards Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "First Prize Brand * * * Pure Strawberry [or "Cherry" or "Peach" or "Red Raspberry"] Preserves."

It was alleged in the libels that the articles were adulterated in that excess sugar had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength; and in that mixtures of fruit and sugar, containing less fruit than preserves, had been substituted for pure preserves.

Misbranding was alleged for the reason that the statement on the label, "Pure Strawberry Preserves", "Pure Peach Preserves", "Pure Cherry Preserves", "Pure Red Raspberry Preserves" and "Pure Raspberry Preserves", were false and misleading and deceived and misled the purchaser when applied to articles consisting of mixtures of fruit and sugar containing less fruit than preserves. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

No claims or answers were filed in the cases.

On August 12, 1933, judgments were entered ordering that the products be delivered to charitable institutions, in lieu of destruction, the court having found that though in violation of the Federal Food and Drugs Act, they were not unwholesome.

M. L. WILSON, *Acting Secretary of Agriculture.*

21439. Adulteration and misbranding of grape juice. U. S. v. John E. Rice (John E. Rice Orchards). Plea of nolo contendere. Fine, \$25. (F. & D. no. 28181. I.S. no. 38878.)

This case was based on an interstate shipment of a product labeled to convey the impression that it was grape juice, which contained undeclared added water and sugar. The declaration of the quantity of the contents on the label was not plain and conspicuous.

On May 25, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John E. Rice, trading as the John E. Rice Orchards, Marlboro, Mass., alleging shipment by said defendant in violation