

The article was alleged to be misbranded in that the name "Whiskey" borne on the labels was false and misleading and tended to deceive and mislead the purchaser when applied to imitation whisky; and in that it was an imitation of, and offered for sale under the distinctive name of another article. A portion of the article was alleged to be misbranded for the further reason that the statement on the label, "One Pint" or "1 Pint", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in bottles containing less than 1 pint; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 7, 1936, the National Wholesale Liquor Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26201. Adulteration and misbranding of assorted preserves. U. S. v. 15 Cases of Assorted Preserves. Default decree of forfeiture and destruction. (F. & D. no. 37191. Sample no. 19094-B.)

This case involved assorted preserves that were deficient in fruit and contained added glucose and water.

On February 13, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of assorted preserves at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1935, by G. & H. Products, Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Hi-Stile Brand Pure Preserves Packed by Hemple Mfg. Co., St. Louis, Mo."

The articles were alleged to be adulterated in that added glucose and water had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality; in that glucose and water had been substituted in part for preserves, which the articles purported to be; and in that added glucose and water had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the label, "Pure Preserves * * * Blackberry [or "Strawberry", "Peach", or "Cherry"] and "Pure Pineapple Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products that were deficient in fruit and contained added glucose and water; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On August 4, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26202. Adulteration and misbranding of blackberry-type wine. U. S. v. 5 Cases, et al., of Alleged Blackberry Type Wine. Default decrees of condemnation. Product delivered to Treasury Department. (F. & D. no. 37211. Sample no. 62596-B.)

In these cases grape wine or diluted grape wine containing little or no blackberry wine had been substituted for blackberry-type wine.

On February 15 and February 21, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 57 cases of alleged blackberry-type wine at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by the Monarch Wine Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lord Baldwin Blackberry Type Wine * * * Bottled Exclusively for Sunshade Beverage Co., Washington, D. C., Monarch Wine Co., Inc., New York, N. Y."

The article was alleged to be adulterated in that grape wine or diluted grape wine containing little or no blackberry had been substituted for blackberry-type wine.

The article was alleged to be misbranded in that the statement on the label, "Blackberry Type Wine", was false and misleading and tended to deceive and mislead the purchaser when applied to a grape wine or diluted wine containing little or no blackberry; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On August 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to the Treasury Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26203. Adulteration and misbranding of preserves. U. S. v. 280 Cases of Preserves. Consent decree of condemnation. Product released under bond. (F. & D. no. 37219. Sample nos. 56165-B, 56166-B, 56168-B, 56169-B, 56170-B, 56172-B.)

This case involved preserves that were deficient in fruit and contain added acid and pectin.

On February 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 cases of preserves at Cincinnati, Ohio, consigned by the American Syrup & Sorghum Co., alleging that the article had been shipped in interstate commerce on or about September 26, October 2, and October 11, 1935, and January 17, 1936, by the American Syrup & Sorghum Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Gruber's Pure Blackberry [or "Strawberry", or "Peach", or "Raspberry"] Preserves, * * * American Syrup & Sorghum Co., Gruber Foods Div., St. Louis, Mo."; "Country Club Brand Pure Strawberry [or "Cherry"] Preserves * * * Distributed by The Kroger Grocery & Baking Co., Cincinnati, O."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that insufficiently concentrated mixtures of fruit, sugar, acid, and pectin containing less fruit than preserves, had been substituted for preserves, which the articles purported to be; and in that a mixture of sugar, acid, and pectin had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Strawberry Preserves", "Pure Peach Preserves", "Pure Raspberry Preserves", and "Cherry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but containing less fruit than preserves, the deficiency in fruit being concealed by the addition of acid, pectin, and excess sugar; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 4, 1936, the American Syrup & Sorghum Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked and reconditioned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26204. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37270. Sample no. 48100-B.)

This case involved canned salmon that was in whole or in part decomposed.

On February 27, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped on or about October 25, 1935, by the F. A. Gosse Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*