

3193. Adulteration and misbranding of wine. U. S. v. 67 Barrels of So-Called Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5349. S. No. 1957.)

On October 13, 1913, 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 for the seizure and condemnation of 67 barrels of so-called wine remaining unsold in the original unbroken packages and on the wharfs of the Southern Pacific Co., New Orleans, La., alleging that the product had been shipped on September 20 and 27, and October 1, 1913, by the Two Brothers Wine and Liquor Co., Newark, N. J., and transported from the State of New Jersey into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Jack Johnson made wine preserved with one tenth of one per cent of sodium benzoate to Nola Trading Company, New Orleans, Louisiana."

Adulteration of the product was alleged in the libel for the reason that it contained certain substances which had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that it was colored and mixed with certain artificial coloring matter in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the product was labeled "Wine," when, in fact, it consisted of imitation wine artificially colored, and that in this manner said label was false and misleading in regard to the ingredients of the article contained in the barrels upon which said label appeared; and said article was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, wine. Misbranding was alleged for the further reason that the product was labeled and branded wine so as to deceive and mislead the purchaser into the belief that it was wine, when, in truth and in fact, it was not wine but was an imitation wine, artificially colored.

On November 24, 1913, the said Two Brothers Wine and Liquor Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal. It was provided, however, that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,100, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 26, 1914.

3194. Adulteration of desiccated eggs. U. S. v. 3 Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5351. S. No. 1959.)

On October 16, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing approximately 200 pounds of desiccated eggs, remaining unsold in the original unbroken packages and in possession of the Cincinnati, Hamilton & Dayton Railway Co. at its freight house, Cincinnati, Ohio, as a bailee to the Consolidated Egg Co., Cincinnati, Ohio, consignee, alleging that the product had been shipped from the State of Texas into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rush—The Consolidated Egg Company, Cincinnati Ohio. Notify E. W. Habermaas, Cincinnati, Ohio. Keep Dry and Cool—Head up—200 Lbs. 15898. C. H. & D. Cinti. 10-2, 63431, 9—Frisco—St. Louis—24."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On November 17, 1913, no claimant having appeared for the product, an order pro confesso was entered. On January 10, 1914, final judgment of condemnation and forfeiture was entered upon motion of the United States attorney and upon the testimony of witnesses offered ex parte on behalf of the libelant, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3195. Adulteration of tomato pulp. U. S. v. 1150 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5352. S. No. 1960.)

On October 16, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,150 cans, each containing approximately 5 gallons of tomato pulp, remaining unsold in the original unbroken packages and in possession of the W. M. Spencer Sons Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label. Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy, putrid, and decomposed vegetable substance.

On November 17, 1913, no claimant having appeared for the property, although the Frankfort Canning Co., Frankfort, Ky., the packer and shipper, and said W. M. Spencer Sons Co. had due legal and actual notice of the proceedings, an order pro confesso was entered.

On January 10, 1914, the case having come on for final hearing, upon motion of the United States attorney for judgment and upon the testimony of witnesses offered ex parte on behalf of the libelant to sustain the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3196. Adulteration of catsup. U. S. v. 1 Barrel of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5359. S. No. 1963.)

On October 18, 1913, 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 for the seizure and condemnation of 1 barrel of catsup, remaining unsold in the original unbroken package at New Orleans, La., alleging that the product had been shipped on or about October 8, 1913, by the National Pickle and Canning Co., St. Louis, Mo., and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the libel that the product constituted an article of food within the meaning and intent of the act of Congress of June 30, 1906, and that the same was in a state of decomposition, filthy, and a putrid, decomposed vegetable substance, and was adulterated within the meaning and intent of that act and especially of paragraph 6 of section 7 thereof, and was subject to seizure, condemnation, and destruction.