

percent of alcohol. It was further misbranded with regard to the statement "Over Twelve and one-half per cent Alcohol American Proof Spirits", appearing in small type on the main bottle label, and with regard to the statement on the cartons to the effect that it contained not more than 4 percent of alcohol.

On March 13, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cartons of beer at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about February 26, 1934, by the Golden West Brewing Co., from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Over 12½% Alcohol American Proof Spirits * * * Golden Glow 12½% Ale Golden West Brewing Co., Los Angeles, Oakland, San Francisco, California"; (carton) "Golden Glow Beer * * * Does not contain more than 4.0 per centum of alcohol by volume."

It was alleged in the libel that the article was misbranded in that the statement on the bottles, "Over Twelve and one-half per cent Alcohol American Proof Spirits", and on the cartons, "Does not contain more than four per centum of alcohol by volume", were false and misleading and tended to deceive and mislead the purchaser.

On April 5, 1934, 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.*

22420. Adulteration of tomato sauce. U. S. v. 200 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 32300. Sample no. 67261-A.)

This case involved an interstate shipment of tomato sauce that was found to contain excessive mold.

On March 13, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of tomato sauce at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about January 20, 1934, by the Calliguria Food Products Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Moosalina Brand Tomato Sauce, Naples Style."

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.

On May 11, 1934, 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.*

22421. Misbranding of apple butter. U. S. v. 23 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 32302. Sample no. 65151-A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than the labeled weight.

On March 13, 1934, 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 23 cases of apple butter at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 24, 1934, by the Glaser, Crandell Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bred Spred A Pure Product Apple Butter Net Wt. 11 oz."

It was alleged in the libel that the article was misbranded in that the statement "Net Wt. 11 oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason 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 quantity stated was not correct.