

the contents, since the statement was made in ounces and not in terms of the largest unit in the package.

On March 16, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 22¾ cases of whisky at Washington, D. C. On March 17 and 19, 1934, libels were filed in the United States District Courts for the Eastern District of Missouri, District of Maryland, and District of New Jersey against 31 cases of whisky at St. Louis, Mo., 113 bottles at Baltimore, Md., and 235 bottles at Jersey City, N. J. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of February 14, 1934, and March 7, 1934, by the Hercules Products and Distilling Corporation from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Glenshire Scotch Whisky Imperial Blend Contents 16 oz. * * * Hercules Products and Distilling Corp. Brooklyn, N. Y. Scotch Whisky."

The libels charged that the article was adulterated in that a substance, namely, a Scotch-type whisky made in the United States, had been substituted for Scotch whisky made in Scotland, which the article purported to be.

Misbranding was alleged for the reason that the statement on the bottle label, "Scotch Whisky Imperial Blend", was false and misleading and tended to deceive and mislead the purchaser; for the further reason that another article was offered for sale under the distinctive name of "Scotch Whiskey"; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20 and May 23, 1934, claims for the product seized at Washington, D. C., and Jersey City having been filed, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants, upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be disposed of in violation of the Food and Drugs Act. On May 4 and October 2, 1934, no claim having been entered for the lots seized in the Eastern District of Missouri and the District of Maryland, judgments of condemnation, forfeiture, and destruction were entered.

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

22737. Adulteration of butter. U. S. v. 54 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32384. Sample no. 68651-A.)

This case involved a shipment of butter that contained filth.

On January 31, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, on or about January 22, 1934, by Armour & Co., from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spring Brook Brand Creamery Butter."

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

On June 28, 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.*

22738. Adulteration of tomato puree. U. S. v. 400 Cases of Tomato Puree. Default decree of destruction. (F. & D. no. 32396. Sample no. 61025-A.)

This case involved the shipment of a quantity of tomato puree which contained excessive mold.

On March 21, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about November 20, 1933, by the Henryville Canning Co., from Henryville, Ind., and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: "Crystal Springs Brand Tomato Puree * * * Packed by Henryville Canning Co., Inc., Henryville, Ind."

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

On June 2, 1934, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

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

22739. Misbranding of prepared mustard. U. S. v. 415 Cases and 75 Cases of Prepared Mustard. Product ordered relabeled and released. (F. & D. no. 32398. Sample nos. 39331-A, 39332-A.)

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

On March 28, 1934, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 cases of prepared mustard at Greenville, S. C., alleging that the article had been shipped in interstate commerce, on or about February 5, 1934, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs [or "Contents 1 Lb.]" Made by Midwest Food Packers, Inc., Fowlerton, Ind."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents 2 Lbs." or "Contents 1 Lb.", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged 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 statement made was incorrect.

On August 2, 1934, Jack R. Gignilliat, Greenville, S. C., having appeared as claimant for the property, and the case having come on for hearing on the pleadings and stipulation of claimant, admitting the allegations of the libel, judgment was entered ordering that the product be relabeled under the supervision of this Department and released to the claimant.

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

22740. Adulteration of evaporated apples. U. S. v. 253 Boxes of Evaporated Apples. Default decree of condemnation. Product disposed of by destruction or delivery to relief organization. (F. & D. no. 32402. Sample no. 69064-A.)

This case involved the shipment of evaporated apples which were found to be in part insect-infested, decomposed, and dirty.

On March 20, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 253 boxes of evaporated apples at El Reno, Okla., alleging that the article had been shipped in interstate commerce on or about December 17, 1933, by the Loma Fruit Co., from Watsonville, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clipper Brand, Evaporated Apples * * * Packed by Loma Fruit Company Watsonville Calif."

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

On June 25, 1934, no claimant having appeared for the property, judgment of condemnation was entered and the court, having found that the product was but partly decomposed, ordered that it be offered to a relief organization and, if not accepted, that it be destroyed.

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

22741. Adulteration and misbranding of whisky. U. S. v. 11 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 32403, 32404, 32501. Sample nos. 58075-A, 58292-A, 58293-A.)

These cases involved various lots of alleged whisky which consisted of artificially flavored and colored brandy.

On March 22 and April 4, 1934, the United States attorneys for the Districts of Rhode Island and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation