

Orleans, La., alleging that the article had been shipped in interstate commerce, between the dates of December 26, 1933, and January 11, 1934, in part by Joseph Beck Sons, Inc., from New York, N. Y., into the States of Rhode Island and Louisiana, and in part by the Narragansett Distributing Co., from Boston, Mass., into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whiskey A Blend Blended and Bottled by Joseph Beck Sons, Inc., New York, N. Y."

The article was alleged to be adulterated in that alcohol of domestic origin had been mixed and packed therewith so as to reduce and lower its quality and had been substituted wholly or in part for the said article; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Old Scotch Whisky" and the design of a bust of a Scotchman in native garb, appearing on the label, were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 17, 1934, judgment was entered in the Eastern District of Louisiana condemning the product libeled in that district and ordering that it be released to the claimant under a bond in the sum of \$4,200, conditioned that it be relabeled under the supervision of this Department. On September 5, 1934, no claimant appearing in the cases instituted in the District of Rhode Island, judgments of condemnation, forfeiture, and destruction were entered.

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

22927. Adulteration of egg colors. U. S. v. 5½ Gross and 5½ Gross of Egg Colors. Default decrees of condemnation. (F. & D. nos. 32460, 32461. Sample nos. 62501-A, 62502-A.)

These cases involved egg colors consisting of blue, red, and yellow colors. Analyses showed that the yellow color contained excessive lead.

On March 28, 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, libels praying seizure and condemnation of 11 gross cardboard display cards, each containing three unlabeled vials of egg colors, at Washington, D. C., alleging that the article was in possession of the Hecht Co., and Lansburgh & Bro., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The display card was labeled: "Simplex Egg Color Set * * * Manufactured by Nu-Dell Products, Inc., Chicago."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On September 26, 1934, no claimant having appeared, judgments of condemnation were entered and the court ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

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

22928. Adulteration of canned spinach. U. S. v. 463 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32667. Sample nos. 68695-A, 72057-A.)

This case involved a shipment of canned spinach that was found to be in part decomposed.

On May 1, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 463 cases of canned spinach at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about April 4, 1934, by the Tri-Valley Packing Association, from Modesto, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Topmost Brand Spinach * * * Distributed by General Grocer Co., St. Louis, Mo." The remainder was labeled in part: "American Lady Brand Spinach * * * Haas-Lieber Grocery Co. Distributors, St. Louis, Mo."

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

On June 1, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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