

25257. Adulteration and misbranding of whisky. U. S. v. 10 Cases of Whisky. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 32243. Sample no. 68194-A.)

This case involved an interstate shipment of whisky which contained added alcohol.

On March 6, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of whisky at Medford, Mass., alleging that the article had been shipped in interstate commerce on or about January 22, 1934, by Joseph Beck Sons, Inc., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whisky A Blend."

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

The article was alleged to be misbranded in that the statement "Old Scotch Whiskey" 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 in that it was offered for sale under the distinctive name of another article, namely, "Old Scotch Whiskey."

On November 6, 1935, Pietro Patalano, Medford, Mass., having appeared as claimant and having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25258. Adulteration of walnut meats. U. S. v. Fred L. Mitchell. Defendant found guilty. Fine, \$25. (F. & D. no. 32881. Sample no. 38362-A.)

This case was based on an interstate shipment of walnut meats which were in part wormy, moldy, and rancid.

On August 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed an information against Fred L. Mitchell, Santa Ana, Calif., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 2, 1934, from the State of California into the State of Oregon, of a quantity of walnut meats which were adulterated. The article was labeled in part: "Pennant Brand California Walnuts Ambers Net 50 Lbs. When Packed."

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

On November 26, 1935, the defendant, on trial to the court after waiver of jury, was found guilty and a fine of \$25 was imposed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25259. Adulteration of walnut meats. U. S. v. Leslie C. Mitchell. Defendant found guilty. Fine of \$25 suspended. (F. & D. no. 32883. Sample no. 41976-A.)

This case was based on an interstate shipment of walnut meats which were in part wormy, moldy, and rancid.

On August 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leslie C. Mitchell, Santa Ana, Calif., charging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 28, 1933, from the State of California into the State of Montana, of a quantity of walnut meats which were adulterated. The article was labeled: "Walnut Meats 25 Lbs. Net Weight When Packed."

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

On November 26, 1935, the defendant on trial to the court after waiver of jury, was found guilty and a fine of \$25 was imposed, which was suspended due to impending bankruptcy of defendant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*