

in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 15, 1936, no claimant having appeared, judgments were entered finding the articles misbranded and ordering that they be condemned and forfeited to the United States.

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

25967. Misbranding of apple butter. U. S. v. 46 Cases of Apple Butter. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36621. Sample no. 41286-B.)

This case involved an interstate shipment of apple butter the packages of which were short in weight.

On November 16, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of apple butter at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 17, 1935, by Libby, McNeill & Libby, from Blue Island, Ill., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in jars, was labeled: "Libby's Apple Butter Caramelized Sugar Added Net Weight 1 Lb. 10 Oz. Packed by Libby, McNeill & Libby Chicago Made in U. S. A."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 1 Lb. 10 Oz.", was false and misleading and tended to deceive and mislead the purchaser; and in 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, since the quantity stated was not correct.

On December 30, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

25968. Misbranding and alleged adulteration of Kololiva. U. S. v. 2 Cans of Kleckner's Kololiva. Default decree of condemnation and destruction. (F. & D. no. 36650. Sample no. 43574-B.)

This product was labeled to convey the impression that it contained olive oil or a color derived from olive oil. Examination showed that it contained excessive lead and copper and an unpermitted color, but no olive oil or color derived from olive oil.

On November 21, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of Kleckner's Kololiva at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about October 18, 1935, by David Kleckner & Son, Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Kleckner's 2 kilo Kololiva Concentrated (paste) David Kleckner & Son, Inc. Importers and Manufacturers * * * Brooklyn, N. Y."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead, copper, and unpermitted dye, which might have rendered it harmful to health.

The article was alleged to be misbranded in that the name of the product, "Kololiva", was misleading and tended to deceive and mislead the purchaser, since it suggested that the product contained olive oil or a color derived from olive oil.

On September 14, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

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

25969. Misbranding of wine. U. S. v. 24 Cases, et al., of Wine. Decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 36662. Sample nos. 40057-B to 40060-B, incl.)

These products were sold as California wines of a high alcoholic content but in fact were light wines made in the State of New York. The quantity of the contents was not properly declared.