

district court a libel praying seizure and condemnation of 55 $\frac{2}{3}$ cases of beer at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about January 22 and 24; February 4, 7, 13, 18, 21, 25, and 28, and March 1, 2, and 5, 1936, by the Dallas Brewery, Inc., from Dallas, Tex., and that it was misbranded in violation of the Food and Drug Act. The article was labeled in part: "White Rose 13% Balling Old Fashioned Lager Beer Does not contain over 5% alcohol by weight. Contents 12 Fluid Ozs. Dallas Brewery, Inc., Dallas, Texas."

The article was alleged to be misbranded in that the statement on the label, "13%", was false and misleading and tended to deceive and mislead the purchaser, and the statement was not corrected by the inconspicuous statement stamped on the label, "Does not contain over 5% alcohol by weight."

On May 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26216. Misbranding of ale. U. S. v. 43 Cases of Ale. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37483. Sample no. 48924-B.)

This case involved a shipment of ale that contained less alcohol by volume than the amount indicated on the label.

On March 27, 1936, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of ale at Hendersonville, N. C., alleging that the article had been shipped in interstate commerce on or about March 17, 1936, by the Heidelberg Brewing Co., from Covington, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottles) "Student Prince Ale. Alcohol by volume not over 19 percent. Heidelberg Brewing Company, Covington, Kentucky."

The article was alleged to be misbranded in that the statement on the label, "Alcohol by volume not over 19 percent", was false and misleading and tended to deceive and mislead the purchaser when applied to a product that contained 5.6 percent of alcohol by volume.

On June 19, 1936, the Cantrell Produce Co., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26217. Adulteration and misbranding of preserves. U. S. v. 6 and 15 Cases of Peach Preserves, et al. Consent decree of condemnation. Products released under bond to be relabeled. (F. & D. nos. 37521, 37522. Sample nos. 55584-B, 55593-B, 55594-B, 55596-B, 55628-B, 55630-B.)

These cases involved peach and raspberry preserves that contained less fruit and more sugar than preserves should contain. The products also contained added acid or added pectin or both added acid and pectin. Certain lots contained excessive water.

On April 9, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 257 cases of peach and raspberry preserves at Chicago, Ill., alleging that the articles had been shipped in interstate commerce between the dates of May 11 and November 15, 1935, by the Weideman Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part: "Banner Boy Pure Peach [or "Raspberry"] Preserves Packed for Banner Wholesale Grocers, Chicago, Ill."; "None-Such Brand Pure Peach Preserves * * * Durand-McNeill-Horner Co., Distributors, Chicago, Illinois."

The articles were alleged to be adulterated in that sugar, acid, pectin, and water in two of the lots; sugar, acid, and pectin in one lot; sugar and acid in one lot; and sugar, acid, and water in one lot had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit and said substances containing less fruit and more sugar than preserves should contain, had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Peach Preserves" and "Pure Raspberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On June 12, 1936, the Weideman Co., Inc., having appeared as claimant and having admitted the allegations of the libels and consented to the entry of a decree, a consolidated judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26218. Adulteration of confectionery. U. S. v. 9 Cartons of Caramels. Default decree of condemnation and destruction. (F. & D. no. 37525. Sample nos. 61244-B, 61245-B.)

This case was based on an interstate shipment of pecan cream caramels that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of pecan cream caramels at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by E. J. Brach, from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted with flood water.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26219. Adulteration of confectionery. U. S. v. 26 Cartons and 5 Cases of Assorted Candy Bars. Default decree of condemnation and destruction. (F. & D. no. 37526. Sample nos. 61246-B, 61247-B.)

This case was based on an interstate shipment of assorted candy bars that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cartons and 5 cases of assorted candy bars at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by the Hollywood Candy Co., from Minneapolis, Minn., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted with flood water.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26220. Adulteration of confectionery. U. S. v. 5 Cases of Penny Candies. Default decree of condemnation and destruction. (F. & D. no. 37527. Sample no. 61248-B.)

This case involved an interstate shipment of penny candies that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of penny candies at Cedar Hill, North Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by the Overland Candy Co., from Chicago, Ill., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted by flood water.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*