

Straight Whiskey in This Product is 4 Years Old Thirty-Three And One Third [or "Twenty"] Percent Straight Whiskey," were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not Seagram's Seven (or Five) Crown Blended Whiskey, which was not manufactured by Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind., and in which the straight whiskey was considerably less than 4 years old and had been treated by an artificial aging process. Misbranding was alleged further in that the product was an imitation of and was offered for sale under the distinctive name of another article, since the straight whiskey contained in the blend was considerably less than 4 years old and had been treated by an artificial aging process, and since it was not Seagram's Whiskey and had not been manufactured by Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind.

On July 7, 1938, a claim for the goods having been filed on behalf of the owner, but having been subsequently withdrawn, judgments of condemnation were entered and the product was ordered delivered to the Secretary of the Treasury for disposition in accordance with law.

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

**29474. Adulteration of candy. U. S. v. 11 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43226. Sample No. 37923-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 6, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 17, 1938, by Paul F. Beich Co. from Bloomington, Ill.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29475. Adulteration of candy. U. S. v. 6 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43205. Sample No. 37824-D.)**

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 4, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by Luden's, Inc., from Reading, Pa.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29476. Adulteration of butter. U. S. v. American Dairy Co. of Evansville, Inc. Plea of guilty. Fine, \$25. (F. & D. No. 42555. Sample Nos. 21737-D, 21767-D.)**

This product contained less than 80 percent of milk fat.

On August 26, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Dairy Co. of Evansville, Inc., at Evansville, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about April 14 and May 11, 1938, from the State of Indiana into the State of Illinois of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

On September 17, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 without costs.

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

**29477. Adulteration and misbranding of whitefish caviar. U. S. v. 66 Jars of Whitefish Caviar (and one similar seizure action). Default decrees of condemnation and destruction.** (F. & D. Nos. 42413, 42420 to 42423, inclusive. Sample Nos. 21242-D to 21245-D, inclusive, 21515.)

Samples of this product were found to contain parasitic worms, fish scales, and nondescript tissues. The 1-pound and 4-ounce jars were short weight.

On May 17 and 18, 1938, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 191 various sized jars of caviar at Detroit, Mich.; alleging that the article had been shipped in interstate commerce within the period from on or about February 1, 1938, to on or about April 11, 1938, by Romanoff Caviar Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "White Fish Caviar \* \* \* Packed By Hansen Caviar Co."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

A portion of the article was alleged to be misbranded in that the statements, "16 Oz. Net" and "4 Oz. Net," on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; 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 packages since the quantity stated was not correct.

On September 13, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29478. Adulteration of wheat. U. S. v. 20 Bags of Wheat. Default decree of condemnation and destruction.** (F. & D. No. 42458. Sample No. 22846-D.)

This product contained an excessive amount of copper.

On May 25, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bags of wheat at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about April 21, 1938, by Kerr Gifford & Co. from Hay, Wash.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**29479. Misbranding of canned tomatoes with puree from trimmings. U. S. v. 212 Cases of Tomatoes. Consent decree of condemnation with provision for release under bond.** (F. & D. No. 42907. Sample Nos. 23480-D, 23504-D.)

This product fell below the standard established by this Department because the fruit units did not consist of whole or large pieces, and it was not labeled to indicate that it was substandard.

On June 23, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of canned tomatoes with puree from trimmings at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about March 5, 1938, by California Conserving Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Alameda Brand Tomatoes With Puree From Trimmings \* \* \* Packed by California Conserving Co."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the fruit units did not consist of whole or large pieces, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.