

Adulteration of the articles was alleged in the libels for the reason that imitation products artificially carbonated had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly and in part for the articles. The product labeled "Sparkling Burgundy" was further adulterated in that it was colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the packages containing the articles and the labels thereon bore statements, designs, and devices regarding the articles and the ingredients and substances contained therein, to wit, "H. G. Mumm & Co's * * * Extra Dry Champagne Non-Alcoholic * * * H. G. Mumm & Co. Distributors New York Bordeaux, France Chicago," or "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic P. J. De Centaur Bordeaux, France H. G. Mumm & Co. New York and Chicago," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive name of, other articles, and for the further reason that the products were food in package form, and the quantity of the contents of each package was not plainly and conspicuously marked on the outside of the package.

On February 9, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9074. Adulteration and misbranding of nonalcoholic beverages. U. S. * * * v. 1 * * * Keg Each of Cherry and Champagne Flavor Nonalcoholic Beverages * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13831. I. S. Nos. 8785-t, 8786-t. S. No. E-2853.)

On November 1, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 keg each of nonalcoholic beverages, labeled in part "Non-Alcoholic Cherry" (or "Champagne"), consigned on or about October 19, 1920, remaining in the original unbroken packages at Port Deposit, Md., alleging that the article had been shipped by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, as the case might be, "Non-Alcoholic * * * Cherry" (or "Champagne") "* * * Sweetened with Saccharine * * * Red Cross Mfg. Co. St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that a substance which has no food value and is deleterious to health, to wit, saccharin, had been mixed and packed therewith, and substituted wholly or in part for the article, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might have rendered the article injurious to health.

Misbranding of the article was alleged for the reason that the packages or label bore a statement, design, or device, regarding the article or the ingredients or substances contained therein, to wit, "Non-Alcoholic Cherry" (or "Champagne"), which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On December 18, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9075. Adulteration of nonalcoholic beverages. U. S. * * * v. 4 Kegs * * * of Nonalcoholic Beverages * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13866. I. S. Nos. 8436-t, 8437-t, 8438-t, 8439-t. S. No. E-2873.)

On November 15, 1920, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 kegs of nonalcoholic beverages, labeled in part "Non-Alcoholic Artificial Flavor and Color Port Hot Punch" ("Cherry Cordial," "Blackberry Cordial," and "Roman Punch," respectively), consigned on or about September 20, 1920, remaining in the original packages at Colgate, Highlandtown, Md., alleging that the article had been shipped by the Red Cross Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Non-Alcoholic Artificial Flavor And Color * * * Guaranteed by Red Cross Mfg. Co. St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that a substance which has no food value, to wit, saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render the article injurious to health.

On December 21, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9076. Adulteration and misbranding of prunes. U. S. * * * v. Max Gronik (Badger State Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. No. 13901. I. S. No. 8310-r.)

On December 17, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max Gronik, trading as the Badger State Creamery Co., Milwaukee, Wis., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 8, 1919, from the State of Wisconsin into the State of Illinois, of a quantity of prunes which were adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed the presence of dead worms, worm excreta, and, in certain cases, webs, and showed that the entire product was badly contaminated with dead sugar mites.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 6, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL, *Acting Secretary of Agriculture.*