

and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was labeled in a false and fraudulent [misleading] manner, that is to say, each of the sacks containing the said article were labeled, "Protein 30 per cent. \* \* \* Fibre 25 per cent. \* \* \* Made From Pressed Peanut Cake," which statements were false and untrue in that the article did not contain the ingredients above enumerated and in the quantities stated, but it was deficient in protein and contained an excessive amount of crude fiber and was not made from pressed peanut cake but crushed peanut hulls had been added thereto.

On January 5, 1921, the Capital City Grocery Co., Tallahassee, Fla., having filed its claim and answer to the libel and having averred in said answer that by reason of want of sufficient information it could neither admit nor deny the material allegations of the libel, but praying that the product should be delivered to it upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the terms and conditions stipulated in the said answer and that the libel be dismissed upon payment of the costs of the proceedings.

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

**9374. Adulteration and misbranding of La Pom. U. S. \* \* \* v. Certain Persons in Possession of 3 Barrels of La Pom (Blackberry, Red Grape, and Apricot). Default decree of condemnation and forfeiture. Product ordered destroyed.** (F. & D. No. 13852. I. S. No. 3558-t. S. No. C-2494.)

On November 5, 1920, the United States attorney for the District of North Dakota, 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 3 barrels of La Pom (blackberry, red grape, and apricot flavor, respectively), consigned by the Crown Beverage Co., St. Louis, Mo., on February 14, 1920, to certain persons in Christine, N. Dak., charging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Non-Alcoholic La Pom Artificial Flavor and Color. Red Grape" (or "Apricot" or "Blackberry") "Flavor. Guarantee. The contents of this package guaranteed to comply with all laws. These goods are non-alcoholic and non-intoxicating. We will forfeit \$500 reward to any one finding a single percent of alcohol in this drink \* \* \*."

It was alleged in substance in the libel that the above-quoted statements, each and all, were false and untrue in that the said article contained in excess of 4 per cent of alcohol by volume.

Adulteration of the article was alleged in substance for the reason that it contained a certain poisonous and deleterious ingredient, namely, saccharin, which made the same injurious to health.

On March 12, 1921, 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.*

**9375. Misbranding of flour. U. S. \* \* \* v. Herreid Milling Co., a Corporation. Judgment by default. Fine, \$25.** (F. & D. No. 13905. I. S. No. 8901-r.)

On December 15, 1920, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the Dis-