

judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$800, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10175. Adulteration of grape and strawberry beverages. U. S. \* \* \* v. 25 Dozen Bottles of Grape, et al. Decrees of condemnation, forfeiture, and destruction.** (F. & D. No. 13872. I. S. Nos. 9237-t, 9238-t. S. No. E-2872.)

On or about November 29, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 dozen bottles of grape and 10 dozen bottles of strawberry beverages, at Palmyra, N. C., alleging that the articles had been shipped by the American Fruit Products Co., Norfolk, Va., on or about August 31, 1920, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Grape" (design showing a bunch of grapes) "Artificial Flavor And Color," and "Strawberry Artificial Color And Flavor \* \* \* The Perfection of Purity and Excellence \* \* \* The I. S. Fine Corporation Roanoke, Va. Guaranteed Under The Food And Drugs Act, \* \* \*."

Adulteration of the articles was alleged in substance in the libels for the reason that they had been mixed with saccharin, which is injurious to health. It was further alleged in the libels that artificial products had been substituted for fruit juice preparations.

On April 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10176. Adulteration and misbranding of grape smash and grape beverage. U. S. \* \* \* v. 18½ Dozen Bottles of Grape Smash, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. No. 14136. I. S. Nos. 9241-t, 9242-t. S. No. E-2870.)

On January 7, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 18½ dozen bottles of grape smash and 6½ dozen bottles of grape beverage, at Greenville, N. C., alleging that the articles had been shipped by the American Fruit Products Co., Norfolk, Va., on or about August 7 and 31, 1920, respectively, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively, "Grape Smash Artificial Color \* \* \*," and "Grape Artificial Flavor and Color \* \* \*."

Adulteration of the articles was alleged in the libels for the reason that saccharin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in part for the said articles. Adulteration was alleged for the further reason that the said articles contained an added poisonous and deleterious ingredient, to wit, saccharin, which rendered the said articles injurious to health.

Misbranding was alleged in substance for the reason that the statements on the respective labels, "Grape Artificial Flavor and Color" and "Grape Smash," were false and calculated to deceive purchasers thereof. Misbranding was alleged for the further reason that the articles were imitations of, and offered for sale under the distinctive names of, other articles, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 20, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10177. Misbranding of tomato catsup. U. S. \* \* \* v. Harvard Vineyards, Inc., a Corporation. Plea of nolo contendere. Fine, \$25.** (F. & D. No. 14350. I. S. No. 13204-r.)

On September 6, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Harvard Vineyards, Inc., a corporation, Brocton, N. Y., alleging shipment by said company, under the name of the Naboth Vineyards, on or about January 7, 1920, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Massachusetts, of a quantity of tomato catsup which was misbranded. The article was labeled in part, (bottles) "Brunswick Brand \* \* \* Tomato Catsup \* \* \*."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 1 Lb. 2 Ozs.," borne on the labels attached to a number of the bottles containing the said article, and the statement, to wit, "Net Weight 9 Ounces," borne on the labels attached to the remainder of the said bottles, regarding the article, were false and misleading in that the said statements represented that the said bottles contained one pound 2 ounces net or 9 ounces net of the said article, respectively, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said bottles contained one pound 2 ounces net or 9 ounces net of the said article, respectively, whereas, in truth and in fact, the said bottles did not contain one pound 2 ounces net or 9 ounces net of the said article, respectively, but did contain a less amount. Misbranding was alleged for the further 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 December 13, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10178. Adulteration of evaporated apple chop. U. S. \* \* \* v. 521 Bags \* \* \* of Evaporated Apple Chop. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14943. I. S. Nos. 1085-t, 1086-t. S. No. C-3058.)

On May 21, 1921, the United States attorney for the Northern District of Illinois, 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 521 bags of evaporated apple chop, at Chicago, Ill., alleging that the article had been shipped by the J. S. Dawes Sons Co., Hightstown, N. J., March 15 and 28, 1919, respectively, and transported from the State of New Jersey into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On November 30, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10179. Adulteration of sardines. U. S. \* \* \* v. 25 Cases \* \* \* of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14947. I. S. No. 300-t. S. No. C-3059.)

On May 21, 1921, the United States attorney for the Northern District of Illinois, 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 25 cases of sardines, at Chicago, Ill., alleging that the article had been shipped by Montagnino & Scaduto, New York, N. Y., May 11, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* Sardines In Salt \* \* \* Packed by Antonio Scaduto Sciacca Italy Sole Agents For The United States Montagnino & Scaduto New York U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy vegetable [animal] substance, for the further reason that it consisted in part of a decomposed vegetable [animal] substance, and for the further reason that it consisted in part of a putrid vegetable [animal] substance.