

ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, conditioned in part that it be reshipped to the claimant at Seaford, Del., to be relabeled or repacked to comply with the law.

W. M. JARDINE, *Secretary of Agriculture.*

**15416. Adulteration and misbranding of Grape Wang and Cherry Wang. U. S. v. 25 Bottles Caro Grape Wang, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17738. I. S. Nos. 1158-v, 1160-v. S. No. E-4474.)**

On August 23, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 25 bottles of Caro Grape Wang and 58 bottles of Caro Cherry Wang, at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "Caro Grape (or "Cherry") Wang \* \* \* Caro Flavoring Co. \* \* \* Washington, D. C."

It was alleged in the libel that the article was adulterated, in that a substance, to wit, imitation flavor, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for the said article; and in that the said article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, to wit, "Grape" and "Cherry," borne on the labels, were false and misleading in that the said statements represented that the article was a grape product or a cherry product, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a grape product or a cherry product, whereas it was not, but was a product prepared in imitation of a grape or cherry product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason 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 in terms of weight, measure, or numerical count.

In September, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**15417. Misbranding of linseed meal. U. S. v. 45 Bags of Linseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22265. I. S. No. 20091-x. S. No. 412.)**

On January 7, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 bags of linseed meal, remaining in the original unbroken packages at Chalfont, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., on or about October 28, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "The Mann Bros. Company, Buffalo, N. Y., \* \* \* 34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%."

It was alleged in the libel that the article was misbranded in that the statement "34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%," borne on the label, was false and misleading and deceived and misled the purchaser, in that an analysis of a sample of the product showed it to be deficient in protein.

On January 30, 1928, the Mann Bros. Co., Buffalo, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*