

of 170 cases of alleged whisky at Providence, R. I., and 34 cases at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 3, 1934, by the Sherwood Distilling & Distributing Co., from Baltimore, Md., into the States of Rhode Island and Massachusetts, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "13 Years Old Blue Ridge Whiskey Bottled by the Sherwood Distilling & Distributing Co., Baltimore, Md."

It was alleged in the libels that the article was adulterated in that artificially colored and flavored brandy had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Whiskey", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 24 and July 17, 1934, the Sherwood Distilling & Distributing Co., Baltimore, Md., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$8,740, conditioned that it be correctly relabeled.

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

**22742. Adulteration of evaporated apples. U. S. v. 100 Boxes of Evaporated Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 32426. Sample no. 62005-A.)**

This case involved the shipment of a quantity of evaporated apples which contained excessive moisture.

On March 28, 1934, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 boxes of evaporated apples at Sherman, Tex., alleging that the article had been shipped in interstate commerce on or about February 13, 1934, by Rosenberg Bros. & Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "25 Lbs. Net Weight Magnolia Brand Extra Choice Evaporated Apples Distributed by Rosenberg Bros. & Co. California."

It was alleged in the libel that the article was adulterated in that a product containing excessive water had been substituted for evaporated apples.

On June 27, 1934, Rosenberg Bros. & Co., Fresno, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be dried to reduce the moisture content to 24 percent or less.

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

**22743. Adulteration and misbranding of chocolate coating. U. S. v. 2 Cases and 2 Cases of Chocolate Coating. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32428. Sample nos. 48203-A, 48204-A.)**

This case involved a product sold under labels which indicated that it was milk chocolate. Examination showed that the article contained skim milk solids and was deficient in butterfat.

On March 29, 1934, 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 four cases of chocolate coating at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about February 23, 1934, by the Guittard Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Case) "May Milk Chocolate Coating"; (slab) "May Milk with Cocoa Butter Added Improving Smoothness Guittard Chocolate Co. San Francisco." The remainder was labeled: (Case) "Milkote \* \* \* Chocolate"; (slab) "Milkote."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat and containing skim milk solids had been substituted for the article.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "May Milk Chocolate Coating", was false and mis-

leading and tended to deceive and mislead the purchaser, and for the further reason that it was sold under the distinctive name of another article. Misbranding of the remainder was alleged for the reason that the following statements, (case) "Milkote \* \* \* Chocolate", (slab) "Milkote", appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was milk chocolate.

On June 14, 1934, the Guittard Chocolate Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$60, conditioned that it be relabeled in a manner satisfactory to this Department.

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

**22744. Adulteration of egg colors. U. S. v. 13 Cartons and 500 Packages of Egg Colors. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32459, 32491. Sample nos. 41320-A, 65820-A.)**

These cases involved shipments of egg colors that contained the deleterious ingredients lead chromate and Prussian blue pigment.

On March 30 and April 2, 1934, the United States attorneys for the Southern District of Iowa and the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 13 cartons and 500 packages of egg colors at Clinton, Iowa, and Bloomington, Ill., respectively. It was alleged in the libels that the article had been shipped in interstate commerce in part, on or about February 7, 1934, and in part, on or about February 23, 1934, by the Rainbow Egg Colors, from Green Bay, Wis., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rainbow Egg Colors."

The libels charged that the article was adulterated in that it contained added poisonous ingredients, lead chromate and Prussian blue pigments, which might have been injurious to health.

On July 25 and October 30, 1934, 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.

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

**22745. Adulteration of dried grapes. U. S. v. 525 Cartons, et al., of Dried Grapes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32483. Sample no. 55547-A.)**

This case involved the shipment of a quantity of dried grapes which were in part fermented, decayed, and dirty, and which contained insect excreta.

On April 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 757 cartons of dried grapes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10, 1934, by Memorie Fruits, Ltd., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "25 lbs. Net Memorie Brand Dried Zinfandel Black Grapes Packed by Memorie Fruits, Ltd., Fresno, California."

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 5, 1934, the Memorie Fruits, Ltd., Fresno, Calif., having appeared as claimant for the property, and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act.

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

**22746. Misbranding of olive oil. U. S. v. 32 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32500. Sample no. 51672-A.)**

Sample cans of olive oil taken from the shipment in this case were found to contain less than 1 gallon, the labeled volume.

On April 14, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the