

Act. The article was labeled, "13 Years Old Blue Ridge This product is a pomace and raisin distillate distilled in 1921. Color added Transferred to Charred Oak Barrels in 1931 giving this distillate certain Whiskey characteristics Bottled by The Sherwood Distilling & Distributing Co. Baltimore. Md." the words, "13 Years Old Blue Ridge \* \* \* Whiskey", being prominently displayed.

It was alleged in the libels that the article was misbranded in that the very prominent statements on the label, "13 Years Old Blue Ridge Whiskey", were false and misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was whisky, whereas it was a pomace and raisin distillate.

On June 2 and August 17, 1934, the Sherwood Distilling & Distributing Co., and Louis Mann., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants, upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it be properly relabeled.

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

**22793. Misbranding of canned cherries. U. S. v. 64 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32774. Sample no. 68391-A.)**

This case involved a shipment of canned cherries that fell below the standard established by the Secretary of Agriculture because of the presence of excessive pits and which was not labeled to indicate that it was substandard.

On May 28, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of canned cherries at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, April 27, and May 11, 1934, by the Geneva Preserving Co., from Geneva, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Rival Red Sour Pitted Cherries \* \* \* Packed for Rival Foods Inc., Cambridge, Mass."

It was alleged in the libel that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 20, 1934, the Geneva Preserving Co., Geneva, N. Y., claimant, having admitted the allegations of the libel and having deposited \$165 as security in lieu of bond, conditioned that the product would not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant and that the labels be obliterated and new labels affixed describing its true nature.

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

**22794. Misbranding of canned cherries. U. S. v. 39 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32778. Sample no. 71439-A.)**

This case involved a shipment of "Pitted Cherries", which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On May 31, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned cherries at Colorado Springs, Colo., consigned by the Pleasant Grove Canning Co., Orem, Utah, alleging that the article had been shipped in interstate commerce, from the State of Utah into the State of Colorado, on or about September 4, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Utah Valley Brand Red Sour Pitted Cherries Water Pack \* \* \* Packed By Pleasant Grove Canning Co Pleasant Grove—Orem Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of pits, and its package or label did not bear a plain and conspicuous statement

prescribed by regulation of this Department, indicating that it fell below such standard.

On August 22, 1934, the Pleasant Grove Canning Co. having appeared as claimant for the property and having admitted the allegations of the libel, 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 filing of cash bond in the sum of \$138, conditioned that it be relabeled.

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

**22795. Adulteration of canned fresh prunes. U. S. v. 133 Cases of Canned Fresh Prunes. Default decree of destruction. (F. & D. no. 32780. Sample no. 65899-A.)**

This case involved a shipment of canned fresh prunes which were in part decomposed.

On May 31, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 133 cases of canned fresh prunes at Joplin, Mo., alleging that the article had been shipped in interstate commerce, on or about November 18, 1933, by the Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mayflower Brand Fresh Prunes \* \* \* Distributed by Marshall Canning Co., Marshalltown, Iowa."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 7, 1934, no claimant having appeared for the property, judgment was entered finding the product adulterated, and ordering that it be destroyed by the United States marshal.

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

**22796. Adulteration of canned cherries. U. S. v. 178 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32793. Sample no. 69752-A.)**

Samples of canned cherries taken from the shipment involved in this case were found to contain maggots.

On June 4, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 178 cases of canned cherries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 10, 1934, by Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 13, 1934, 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.

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

**22797. Misbranding of beer. U. S. v. 100 Cases of Beer. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32801. Sample no. 66509-A.)**

This case involved a shipment of beer labeled on the main bottle label and neck band of the bottle to convey the misleading impression that it contained 6 percent of alcohol by volume, the statement on the neck band, "Contents Not More Than 6% Alcohol by Volume", being particularly misleading, since the phrase "6%" was very large and prominent, the remainder of the statement being in small inconspicuous type. Analysis showed that the article contained 4.4 percent of alcohol.

On June 1, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of beer at Jackson, Miss., alleging that the article had been shipped in interstate commerce, on or about May 25, 1934, by the American Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Regal Lager Beer."

It was alleged in the libel that the article was misbranded in that the statement on the main bottle label, "Does not contain more than 6% alcohol by volume", and the statement on the neck band of the bottle, "Contents not more than 6% alcohol by volume", were false and misleading and tended to