

**25628. Adulteration and misbranding of wine. U. S. v. 13 Barrels of Apricot Type Wine, et al. Decree of condemnation. Product released under bond for relabeling. (F. & D. no. 36711. Sample nos. 51127-B to 51130-B, incl.)**

These products consisted of blended grape wines that were labeled to convey the impression that they were apricot, cherry, peach, and blackberry wines, respectively. Certain of the varieties contained less alcohol than indicated on the barrel and shipping tag.

On December 6, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 barrels of various types of wine at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about November 4 and November 15, 1935, by the Fredonia Products Co., Inc., from Fredonia, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Shipping tag and barrels) "Apricot Type" [or "Peach Type", "Cherry Type", or "Blackberry Type"] \* \* \* From Fredonia Products Co., Inc. \* \* \* Fredonia, N. Y." The apricot and peach were further labeled: (Shipping tag) "21%"; (tracing on barrels) "51 Gal. N. Y. S. \* \* \* Less 21% Alc."

The articles were alleged to be adulterated in that a product consisting of a blend of grape wines, which were not apricot, cherry, peach, or blackberry, had been substituted for the articles.

Misbranding was alleged for the reason that the statements on the shipping tags and barrels, "Apricot Type", "Cherry Type", "Peach Type", and "Blackberry Type", respectively, were false and misleading and tended to deceive and mislead the purchaser when applied to a blend of grape wines and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the apricot and peach types was alleged for the further reason that the statement on the shipping tag, "21%", and on the barrels, "Less 21% Alc.", were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 21 percent of alcohol.

On December 11, 1935, H. L. Caplan & Co., Inc., trading as the Belvedere Wine & Liquor Co., having appeared as claimant, judgment of condemnation was entered and it was ordered that the products be released under bond, conditioned that they be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25629. Adulteration of apples. U. S. v. 300 Bushels of Apples. Product ordered released under bond, conditioned that deleterious substances be removed. (F. & D. no. 36740. Sample no. 47889-B.)**

This case involved a shipment of apples that were contaminated with lead and arsenic.

On October 28, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bushels of apples at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about October 21, 1935, by W. A. Morrin, from Erie, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained poisonous ingredients, lead and arsenic, which might have rendered it injurious to health.

On November 1, 1935, W. A. Morrin, having appeared as claimant, judgment was entered ordering that the product be released under bond, conditioned that it be washed in order to remove the deleterious substances.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25630. Adulteration of butter. U. S. v. 40 Cases and 60 Cases of Butter. Default decree of condemnation. Product ordered denatured and sold. (F. & D. no. 36768. Sample nos. 51867-B, 51871-B.)**

This case involved an interstate shipment of butter, samples of which were found to contain filth.

On November 4, 1935, 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 a libel praying seizure and condemnation of 100 cases of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about October 24, 1935, by Swift & Co., from Evansville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was

labeled in part: "Ohio State Brand Creamery Butter \* \* \* distributed by West and Company \* \* \* Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On December 2, 1935, no claimant having appeared, judgment of condemnation was entered. On December 23, 1935, the decree was modified to permit the United States marshal to sell the product to be denatured under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25631. Adulteration of chubs (fish). U. S. v. 3 Boxes of Chubs, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 36776 to 36782, incl. Sample nos. 30161-B, 42611-B, 42612-B, 42795-B to 42798-B, incl.)**

These cases involved fish that were infested with worms.

On November 6, 7, 8, and 9, 1935, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 boxes of chubs at Brooklyn, N. Y., alleging that the article had been shipped from Dorion, Ontario, Canada, by the Dorion Fish Co., between the dates of October 29 and November 5, 1935, into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Dorion Fish Co. Dorion Ontario."

The article was alleged to be adulterated in that it consisted in part of filthy animal substance and in that it consisted of portions of animals unfit for food.

On December 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25632. Adulteration of apples. U. S. v. 224 Boxes of Apples. Consent decree of condemnation. Product released under bond, conditioned that deleterious substances be removed. (F. & D. no. 36818. Sample no. 45946-B.)**

This case involved a shipment of apples that were contaminated with lead and arsenic.

On November 15, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 224 boxes of apples at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 27, 1935, by the Ashland Fruit & Produce Co., from Ashland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Siskiyou Brand \* \* \* Ashland Fruit & Produce Co. Packers and Shippers."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On December 11, 1935, Jacobs, Malcolm & Burt, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be washed in order to remove the deleterious substances.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25633. Adulteration of apples. U. S. v. 516 Baskets of Apples. Product released under bond conditioned that the deleterious substances be removed. (F. & D. no. 36828. Sample no. 48988-B.)**

This case involved an interstate shipment of apples that were contaminated with lead and arsenic.

On November 27, 1935, 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 516 baskets of apples at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about October 6, 1935, by Triplett & Brown, from Troy, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 14, 1935, Triplett & Brown, claimants, having admitted the allegations of the libel and having consented that judgment be entered for the