

destroyed, and that costs be assessed against the claimant. On December 12, 1935 and January 24, 1936, Libby, McNeill & Libby having withdrawn its claim for the lot seized at Walla Walla, Wash., and no claimant having appeared for the lot seized at Portland, Oreg., default decrees of condemnation were entered and the lots were ordered destroyed.

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

25656. Adulteration and misbranding of whisky. U. S. v. 6 Cases of "Sherwood Bottled in Bond", et al. Default decree of condemnation. Product forfeited to United States. (F. & D. no. 36210. Sample no. 30149-B.)

This case involved the interstate shipment of an alcoholic distillate that was an imitation of whisky.

On August 26, 1935, the United States attorney for the Southern 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 6 cases of a product labeled in part, "Sherwood Bottled in Bond"; 9 quart bottles, more or less; of same, 1 case, more or less, containing 24 pint bottles; and 4 pint bottles, more or less, of the same product, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 23, 1935, by the Sherwood Distilling & Distributing Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that, in the case of food, it was mixed with and colored by charred wood in a manner whereby inferiority was concealed; and in that an alcoholic distillate stored in charred wood but not obtained from grain had been substituted for whisky.

The article was alleged to be misbranded, in the case of food, in that the statement on the label, "Sherwood * * * Bottled in Bond", was false and misleading and tended to deceive and mislead the purchaser, since it created the impression that the product was whisky; whereas it was not.

On February 17, 1936, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be turned over to the district supervisor of the Alcohol Tax Unit of the Treasury Department for disposition.

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

25657. Adulteration of tomato paste. U. S. v. 303 Cases and 398 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36211. Sample nos. 28409-B, 28410-B.)

This case involved a shipment of canned tomato paste that contained worm debris, i. e., small pieces of worms.

On August 23, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and subsequently an amended libel, praying seizure and condemnation of 701 cases of tomato paste at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about May 29, 1935, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tomato Paste Giardiniera Brand [or "Flag Brand"] * * * Packed by La Sierra Heights Canning Company, Los Angeles, California."

The amended libel charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

25658. Adulteration of tomato paste. U. S. v. 1,000 Cartons and 494 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 36267, 36281. Sample nos. 16051-B, 38820-B.)

Samples of the tomato paste involved in these cases were found to contain worm debris.

On September 3 and September 7, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 cartons and 494 cases of tomato paste, respectively, at New Orleans, La., alleging that the article had been shipped on or about May 22 and August 16, 1935, by the Anaheim Canning Co., from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kitty Brand