

Solid Buttermilk From Churned Cream * * * Center Milk Products Co. Middlebury Center, Pa."

The articles were alleged to be adulterated in that products containing coconut oil had been substituted wholly or in part for condensed buttermilk and near solid buttermilk which the articles purported to be.

Misbranding was alleged in that the statements, "Condensed Buttermilk" and "Near Solid Buttermilk From Churned Cream", borne on the labels of the respective products, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing coconut oil. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

On January 16, 1936, the Center Milk Products Co., having appeared as claimant for the alleged condensed buttermilk seized at East Hartford and Norwich, Conn., and having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be released under bond conditioned that it be properly relabeled. On January 21, 1936, no claim having been entered for the alleged near solid buttermilk seized at Vine-land, N. J., judgment of condemnation was ordered and the product was ordered destroyed.

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

25898. Adulteration and misbranding of wine. U. S. v. 234 Cases, et al., of Wine. Decrees of condemnation and forfeiture providing for release of the product under bond for relabeling. (F. & D. nos. 36709, 36710. Sample nos. 48648-B to 48651-B, incl., 51131-B, 51132-B, 51133-B.)

Grape wine was substituted for the various types of wine the labels represented this product to be; the product contained less alcohol than represented.

On or about December 7, 1935, the United States attorneys for the Middle District of Georgia and the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 234 cases and 12 kegs of wine at Americus, Ga., and 133 cases of wine at Lynchburg, Va., alleging that the article had been shipped in interstate commerce, on or about October 26, November 7, and November 14, 1935, by the Belvedere Wine & Liquor Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The bottles contained in the cases were variously labeled, as follows: "Alcohol 19 to 21% * * * Bello Vino American Peach [or "Cherry", "Apricot", or Blackberry"] Wine Bottled from Tax Paid Packages by Belvedere Wine & Liquor Co. Baltimore."

Adulteration of the article was alleged in that a blend of grape wines had been substituted for peach wine, cherry wine, apricot wine, and blackberry wine which the labels represented the article to be.

Misbranding of the product was alleged in that the designations, "Peach Wine", "Cherry Wine", "Apricot Wine", and "Blackberry Wine", respectively, were false and misleading when applied to a blend of grape wines; in that the statement "Alcohol 19 to 21%", appearing on the labels of the bottles, was false and misleading when applied to wines containing less than said amount of alcohol; and in that the article was offered for sale under the distinctive names of other articles.

On January 6 and January 21, 1936, H. L. Caplan & Co., Inc., trading as Belvedere Wine & Liquor Co., having appeared as claimant, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be correctly relabeled.

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

25899. Misbranding of allspice. U. S. v. 10 Cases of Allspice. Default decree of condemnation. Product ordered delivered to charitable or relief organization, or destroyed. (F. & D. no. 36714. Sample no. 54067-B.)

This case involved an interstate shipment of allspice the packages of which were found to be short in weight.

On December 10, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of allspice at Williamsport, Pa., alleging that the article had been shipped in interstate commerce on or about July 3, 1933, by L. E. Rogers, from Binghamton, N. Y., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "It's A Rogers Product Allspice 3 Ounces L. E. Rogers 46 Maple St. Binghamton, N. Y."