

terated in that an artificially colored mixture of alcohol and water containing tartaric acid had been substituted for blackberry-type wine, and in that the article was mixed and colored whereby inferiority was concealed. Said article was alleged to be misbranded in that the statements, "Blackberry Type * * * Alcoholic Contents Not Over 14%", were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored mixture of alcohol and water containing tartaric acid and 11.7 percent of alcohol, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

The wine in a certain other lot was labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Blackber Type * * * Kind of Wine Amer. Blackber Type Alcoholic Contents 14%." Said article was alleged to be adulterated in that an artificially colored grape wine, deficient in alcohol, had been substituted for blackberry-type wine. Said article was alleged to be misbranded in that the statement on the label, "Blackber Type * * * Alcoholic Contents 14%", was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that it was an imitation of and offered for sale under the distinctive name of another article.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Port Wine * * * Kind of Wine Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Sherry Wine * * * Kind of Wine Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Muscatel Wine * * * Kind of Wine Muscatel Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Tokay Wine * * * Kind of Wine Tokay Alcoholic Contents Not Over 14%." Said articles were alleged to be adulterated in that an artificially colored grape wine deficient in alcohol had been substituted for port, sherry, muscatel, and Tokay wines. Said articles were alleged to be misbranded in that the statement on the label, "Port", or "Sherry", "Muscatel", or "Tokay", as the case may have been, was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. NYS Port Wine Kind of Wine NYS Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Sherry Wine Kind of Wine NYS Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Muscatel Wine Kind of Wine NYS Muscatel Alcoholic Contents Not Over 14%." Said article was alleged to be misbranded in that the names "Port", "Sherry", or "Muscatel", as the case may have been, were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume.

On February 14, June 8, and August 5 and 18, 1936, Geffen Industries, claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the products be released under bond conditioned that they be relabeled.

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

25974. Adulteration of canned peas. U. S. v. 806 Cans of Flavor Crest Peas. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 36905. Sample no. 13915-B.)

This case involved an interstate shipment of canned peas which were in whole or in part infested with weevils.

On January 4, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 806 cases of canned peas at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Flavor Crest Peas Net Weight 1 Lb. 4 Oz. Packed by Walla Walla Canning Company Walla Walla, Washington Produce of U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, because it was weevil-infested.

On March 31, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and the product was released under bond conditioned that the unfit portion be segregated and destroyed.

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

25975. Adulteration of dried peaches. U. S. v. 600 Cases of Dried Peaches. Consent decree of condemnation. Product released under bond for re-processing and reconditioning. (F. & D. no. 36911. Sample no. 46434-B.)

This case involved an interstate shipment of dried peaches that were dirty and infested with insects.

On January 2, 1936, 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 600 cases of dried peaches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by Rosenberg Bros. & Co., from Oakland, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Prepared with sulphur dioxide Varsity Brand California Fancy Recleaned Peaches Cured Fruit Association of California, San Francisco, Calif. 25 lbs. net."

The article was alleged to be adulterated in violation of the Food and Drugs Act, section 7, paragraph 6, which provides that an article of food shall be deemed adulterated if it consists in whole or in part of a filthy vegetable substance.

On February 27, 1936, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and the product was released under bond conditioned that it be reprocessed and reconditioned.

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

25976. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 36928. Sample nos. 34550-B, 34551-B.)

This case involved an interstate shipment of walnut meats that were wormy and moldy.

On January 10, 1936, 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 20 cases of walnut meats at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 13, 1935, by the Tacoma Grocery Co., from Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled "Special" or "Standard."

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

On April 14, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

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

25977. Adulteration and misbranding of alfalfa leaf meal. Adulteration of alfalfa hay. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 36933. Sample nos. 8347-B, 39697-B.)

This case involved an interstate shipment of so-called alfalfa leaf meal that contained less crude protein and more crude fiber than was represented on the label; and an interstate shipment of alfalfa hay that consisted for the most part of alfalfa of grades inferior to "U. S. Grade No. 1 Alfalfa Hay", which the article purported to be.

On January 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Saunders Mills, a corporation, Toledo, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about August 8, 1935, from the State of Ohio into the State of Maryland of a quantity of alfalfa leaf meal which was adulterated and misbranded; and on or about September 16, 1935, of a quantity of alfalfa hay which was adulterated.