

in interstate commerce on or about March 1, 1936, by National Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Valamont Brand Pure Blackberry Preserves National Fruit Canning Co. Seattle, Wash."

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

On August 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26210. Misbranding of Gammel Ost. U. S. v. 20 Cartons of Viking Brand Gammel Ost. Default decree of condemnation and destruction. (F. & D. no. 37393. Sample no. 65209-B.)

This case involved a shipment of Gammel Ost that was short in weight.

On March 18, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of Gammel Ost at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 7, 1936, by the A. C. Kirchhoff Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Viking Brand Gammel Ost Imported from Norway * * * Packed by August C. Kirchhoff and Co., Chicago Net Weight 7 $\frac{3}{4}$ Ozs. When Packed Partly Skim Milk."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 7 $\frac{3}{4}$ Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26211. Adulteration and misbranding of wine. U. S. v. 237 Bottles of Alleged Blackberry Wine. Default decree of condemnation and destruction. (F. & D. no. 37424. Sample no. 62902-B.)

This product was a mixture of grape wine, alcohol, and blackberry flavor and was represented to be blackberry wine.

On March 24, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 237 bottles of alleged blackberry wine at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by the Eastern Wine Corporation from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Dona Clara Finest Vintage Blackberry Wine * * * Prepared and bottled by Eastern Wine Corp. Tulare, Cal. New York, N. Y."

The article was alleged to be adulterated in that a mixture of grape wine, alcohol, and blackberry flavor had been substituted for blackberry wine, which the article purported to be.

The article was alleged to be misbranded in that the statements on the label, "Blackberry Wine" and "We Guarantee the contents of this package to be made from fresh fruits", were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of grape wine, alcohol, and blackberry flavor, and in that it was an imitation of and offered for sale under the distinctive name of another article, namely, blackberry wine.

On August 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26212. Adulteration of canned stringless beans. U. S. v. 300 Cartons of Canned Stringless Beans. Default decree of forfeiture and destruction. (F. & D. no. 37430. Sample no. 53458-B.)

This case involved canned stringless beans that were worm-damaged.

On March 26, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cartons of canned stringless beans at Lewiston, Idaho, alleging that the article had been shipped in interstate

commerce on or about February 15, 1936, by the Stayton Canning Co., from Stayton, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Port Brand Cut Stringless Beans * * * Standard quality * * * Packed for National Grocery Co., Seattle, Wash."

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

On July 11, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26213. Adulteration of dried peaches. U. S. v. 1,200 Boxes of Dried Peaches. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37456. Sample no. 46282-B.)

This case involved an interstate shipment of dried peaches that were worm-infested, moldy, and dirty.

On March 24, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 boxes of dried peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 27, 1936, by Balfour, Guthrie & Co., Ltd., from Oakland, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "25 Lbs. Net Bleached with Sulphur Dioxide California Peaches Balfour Guthrie & Co. Limited San Francisco California."

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

On April 30, 1936, H. H. Schlotzhauer, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be sorted and the unfit portion segregated and destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26214. Misbranding of canned tomatoes. U. S. v. 98 Cases of Canned Tomatoes. Default decree of condemnation. Product delivered to a charitable organization. (F. & D. no. 37468. Sample no. 59184-B.)

This case involved an interstate shipment of canned tomatoes that fell below the standard established by the Department of Agriculture because they were not normally colored, and that were not labeled to indicate that they were substandard.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of canned tomatoes at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 23, 1935, by the Neosho Canning Co., from Neosho, Mo., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Neosho Brand Hand Packed Tomatoes * * * Packed for those who appreciate quality. By Neosho Canning Company Neosho, Mo."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the tomatoes were not normally colored, and the packages did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On April 29, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be delivered to a charitable organization for distribution to destitute and needy persons.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26215. Misbranding of beer. U. S. v. 55 $\frac{1}{2}$ Cases of Beer. Default decree of condemnation and destruction. (F. & D. no. 87482. Sample no. 59200-B.)

This case involved interstate shipments of beer that contained less alcohol than the percentage thereof represented on the label.

On March 30, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the