

Straight Whiskey in This Product is 4 Years Old Thirty-Three And One Third [or "Twenty"] Percent Straight Whiskey," were false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not Seagram's Seven (or Five) Crown Blended Whiskey, which was not manufactured by Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind., and in which the straight whisky was considerably less than 4 years old and had been treated by an artificial aging process. Misbranding was alleged further in that the product was an imitation of and was offered for sale under the distinctive name of another article, since the straight whisky contained in the blend was considerably less than 4 years old and had been treated by an artificial aging process, and since it was not Seagram's Whiskey and had not been manufactured by Joseph E. Seagram & Sons, Inc., Lawrenceburg, Ind.

On July 7, 1938, a claim for the goods having been filed on behalf of the owner, but having been subsequently withdrawn, judgments of condemnation were entered and the product was ordered delivered to the Secretary of the Treasury for disposition in accordance with law.

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

29474. Adulteration of candy. U. S. v. 11 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43226. Sample No. 37923-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 6, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about February 17, 1938, by Paul F. Beich Co. from Bloomington, Ill.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29475. Adulteration of candy. U. S. v. 6 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43205. Sample No. 37824-D.)

This product having been shipped in interstate commerce and remaining unsold and in the original package was, at the time of examination, found to be insect-infested.

On August 4, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cartons of candy at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by Luden's, Inc., from Reading, Pa.; and charging adulteration in violation of the Food and Drugs Act.

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

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29476. Adulteration of butter. U. S. v. American Dairy Co. of Evansville, Inc. Plea of guilty. Fine, \$25. (F. & D. No. 42555. Sample Nos. 21737-D, 21767-D.)

This product contained less than 80 percent of milk fat.

On August 26, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Dairy Co. of Evansville, Inc., at Evansville, Ind., alleging shipments by said defendant in violation of the Food and Drugs Act, on or about April 14 and May 11, 1938, from the State of Indiana into the State of Illinois of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.