

On June 9, 1913, the Placentia Orange Growers Association, claimant, having admitted the allegations of the libel, and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be surrendered and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$3,000, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3126. Adulteration and misbranding of beer. U. S. v. 42 Casks of Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5258. S. No. 1840.)

On June 18, 1913, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 casks of quart bottles and pint bottles of beer, remaining unsold in the original unbroken packages and on the premises of Samuel Hartman, Nashville, Tenn., alleging that the product had been shipped on June 9, 1913, by the Lexington Brewing Co., Lexington, Ky., and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Alt Heidelberg Brau—Gebraut in Altem Styl Aus Bestem Ausgesuchtem Malz und Feinstem Saazer Hopfen Von Der Lexington Brauerei—Lexington, Ky."

It was alleged in the libel that the product was adulterated in violation of section 7 of the Food and Drugs Act of June 30, 1906, paragraphs 1 and 2 under "Food," said beer being labeled "Aus Bestem Ausgesuchtem Malz und Feinstem Saazer Hopfen," which statement was false and misleading, since an analysis of the beer revealed that some cereal or cereal product had been substituted in part for malt, which cereal or cereal product or substance had been mixed or packed with said malt so as to reduce or lower and injuriously affect the quality and strength of said beer. It was further alleged in the libel that the beer, being labeled "Alt Heidelberg Brau," representing that the beer was of foreign origin when it was a domestic brew product, was misbranded in violation of section 8 of the aforesaid act of Congress, first general paragraph and paragraph 2 under "Food," said beer being labeled in such manner as heretofore indicated so as to deceive and mislead the purchaser and purporting to be a foreign product or foreign beer when not so, the beer having on the bottles statements or labels regarding it and the ingredients or substances contained therein which were false and misleading as heretofore set out.

On October 14, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3127. Adulteration of clams. U. S. v. 40 Barrels and 1 Bag of Clams in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5259. S. No. 1841.)

On June 17, 1913, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 barrels and 1 bag of clams in shell, remaining unsold in the original unbroken packages and in possession of Capie and McAllister, Baltimore, Md., alleging that the product had been transported from the State of New Jersey

into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The product was labeled "Capie and McAllister, Baltimore. From Howard W. Sockwell, Maurice River, New Jersey."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance, to wit, filthy and decomposed clams.

On June 19, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3128. Adulteration and misbranding of wine. U. S. v. 19 Barrels of Wine. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5260. S. No. 1845.)

On June 19, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 19 barrels of wine remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by C. Giacona and Co., New Orleans, La., and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Vittoria Type—S. N. P. Claret—Made Wine Artificial Harmless Coloring—Made from Pure Dry Grapes—C. Giacona & Co., New Orleans, La.—Guaranteed under the Food and Drugs Act, June 30, 1906—Serial No. 13268—J. S. W.—6/5/13."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation wine, artificially colored to conceal inferiority, prepared partly from starch sugar, had been substituted in part for said wine. Misbranding was alleged for the reason that said food and the package and the label thereof bore a statement, design, and device regarding said food and the ingredients and substances contained therein which was false and misleading, that is to say, the words "Vittoria Type Claret," which appeared thereon, because said words would lead a purchaser to believe that said food was Vittoria type claret wine, whereas, in truth and in fact, it was not.

On July 10, 1913, Giuseppe Carresi, of Boston, Mass., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered that the product should be delivered to said claimant upon payment of the costs of proceedings, which amounted to \$39.25, and the execution of the bond in the sum of \$400, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3129. Adulteration and misbranding of wine. U. S. v. 8 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5261. S. No. 1843.)

On June 20, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 barrels, purporting and represented to contain Ohio port wine, remaining unsold in the original unbroken packages at 305 Scotland Street, Pittsburgh, Pa., alleging that the product had been shipped on or about May 28, 1913, by the Kelley's Island Wine Co., Kelley's Island, Ohio, and transported from the State of Ohio into the State of Pennsylvania, and