

3132. Adulteration of Fernet Milano, Miscolanza, and Ferro China. U. S. v. 2 Cases Fernet Milano, 2 Cases Miscolanza, and 2 Cases Ferro China. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5264. S. No. 1848.)

On June 21, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cases each containing 12 quart bottles of Fernet Milano, 2 cases each containing 12 quart bottles of Miscolanza, and 2 cases each containing 12 quart bottles of Ferro China, remaining unsold in the original unbroken packages, and in the possession of Peter Martello at Philadelphia, Pa., alleging that the products had been shipped on or about May 20, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The Fernet Milano was labeled, "12 bottles—fragile—fernet—Northern Italian Importer—serial No. 48473." The Miscolanza was labeled, "12 Bottles—Fragile—Miscolanza—Northern Italian Importer—Serial No. 48437." The Ferro China was labeled, "12 Bottles—Fragile—Ferro China—Northern Italian Importer—Serial No. 48437."

Adulteration of these products was alleged in the libels for the reason that they contained a certain added poisonous and deleterious ingredient, to wit, "wood alcohol," which rendered said articles of food injurious to health.

On August 1, 1913, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered as to the three products and it was ordered by the court that they should be destroyed by the United States marshal.

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

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

3133. Adulteration of Fernet Milano. U. S. v. 2 Cases of Fernet Milano. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5265. S. No. 1848.)

On June 21, 1913, the United States Attorney for the Eastern 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 2 cases, each containing 12 quart bottles of Fernet Milano, remaining unsold in the original unbroken packages and in the possession of Joseph Froio, Philadelphia, Pa., alleging that the product had been shipped on or about May 20, 1913, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled, "12 bottles—fragile—fernet—Northern Italian Importer—serial No. 48473."

Adulteration of the product was alleged in the libel for the reason that it contained a certain added poisonous and deleterious ingredient, to wit, "wood alcohol," which rendered it injurious to health.

On August 1, 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.*

3134. Adulteration and misbranding of beer. U. S. v. 20 Barrels of Bottle Beer. Product released on bond by order of court. (F. & D. No. 5266. S. No. 1847.)

On June 26, 1913, the United States Attorney for the District of Utah, 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 20 barrels of bottle beer, remaining unsold in the original unbroken packages and in possession of the Peter Buller Brewing Co., Salt Lake City, Utah, alleging that the product had been shipped on or about May 31, 1913, by the Ph. Zang Brewing Co., Denver, Colo., and transported from the State of Colorado into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Pilsener. Silver state cabinet Zang's tonic. Bass & Co's Ale & Stout The C. A. Lammers Bottling Co. Denver, Colo. Exclusive bottlers for The Ph. Zang Brewing Co. 38145 Vienna Export Style Large size. International Union United Brewery Workmen. Union Bottled Beer, Ale and Porter, of America. Copyright & Trade Mark Registered." The bottles were labeled: "Vienna Style Export Beer. Brewed of choicest Bohemian Hops and Colorado Barley. Brewed by the Ph. Zang Brewing Co. Denver, Colo. Bottled expressly for table use by The C. A. Lammers Bottling Co."

Adulteration of the product was alleged in the libel for the reason that the beer was not brewed from the choicest Bohemian hops and Colorado barley, but some other cereal or cereal product had been substituted in part for malt, and barley other than that grown and produced in the State of Colorado had been used in its manufacture. Misbranding was alleged for the reason that the label set forth above contained statements regarding the ingredients and substances contained in the beer which were false and misleading.

On July 14, 1913, the Utah Brewing Co., claimant, having petitioned the court for a release of the product, it was ordered by the court that the product be delivered to said claimant, the costs of the proceeding having been paid by claimant, and a bond having been executed by it in the sum of \$100, in conformity with section 10 of the act.

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

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

3135. Adulteration and misbranding of beer. U. S. v. 10 Cases, More or Less, of Old Fashion Lager Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5268. S. No. 1850.)

On June 27, 1913, the United States Attorney for the Northern District of Illinois, 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 10 cases, each containing 3 dozen bottles of an article of food known as Old Fashion Lager Beer, remaining unsold in the original unbroken packages on the premises of Charles Randecker, Savanna, Ill., alleging that the product had been shipped on June 13, 1913, by the Cassville Brewery, Cassville, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Old Fashion Lager Beer Has Age, Strength and Purity. Brewed from the finest malt and hops. Cassville Brewery, Cassville, Wis., U. S. A. Guaranty legend Serial No. 38539."

Adulteration of the product was alleged in the libel for the reason that a certain cereal or cereal product had been mixed and packed with it so as to reduce and lower and injuriously affect the quality and strength of the article of food aforesaid, and for the further reason that a certain cereal or cereal product had been substituted wholly or in part for the article of food as aforesaid. Misbranding of the product was alleged for the reason that each of the bottles was labeled as set forth above, which said label, borne upon each of the bottles aforesaid, contained pictorial representations of malt and hops, as well as hop picking and other illustrations impossible here to reproduce, and