

article was colored in such manner as to conceal its inferiority. Misbranding was alleged for the reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, methyl salicylate, in imitation of and offered for sale under the distinctive name of oil of birch.

On January 6, 1914, 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 26, 1914.*

3205. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5375. S. No. 1980.)

On October 27, 1913, the United States Attorney for the Southern District of Georgia, 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 100 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of W. B. Myers, Savannah, Ga., alleging that the product had been shipped on or about October 8, 1913, by D. E. Foote & Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "W. B. Myers, Savannah, Ga.—Family Brand Tomato Pulp Packed by D. E. Foote & Co. Baltimore, Md." (On cans) "Family Brand—Contents 10 oz. or over. Tomato pulp made from small tomatoes and trimmings. Packed by D. E. Foote & Co. Inc. Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed, or putrid vegetable substance.

On December 10, 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 26, 1914.*

3206. Adulteration and misbranding of wine. U. S. v. 10 Barrels of So-called Wine. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5377. S. No. 1977.)

On October 25, 1913, the United States Attorney for the Eastern District of Louisiana, 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 barrels of so-called wine, remaining unsold in the original unbroken packages and on the wharfs of the Southern Pacific Co., New Orleans, La., alleging that the product had been shipped on or about October 8, 1913, by the Two Brothers Wine and Liquor Co., Newark, N. J., and transported from the State of New Jersey into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Jack Johnson made wine preserved with 1/10 of 1 per cent of sodium benzoate. Nola Trading Company. New Orleans La. Momus 136 Oct 8 13 14."

Adulteration of the product was alleged in the libel for the reason that it contained substances which had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and, further, for the reason that a certain substance had been substituted in part for the article itself, and for the further reason that the article was colored and mixed with certain artificial coloring matter in a manner whereby inferiority was concealed. Mis-

branding of the article was alleged for the reason that the product was labeled "Wine," when, in fact, the said article consisted of an imitation wine, artificially colored, and that in this manner the said label was false and misleading in regard to the ingredients of the said article contained in the barrels upon which said label appeared, and said article was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, wine. Misbranding was alleged for the further reason that the product was labeled and branded "Wine," so as to deceive and mislead the purchaser into believing that the said article was wine, when, in truth and fact, it was not wine but was imitation wine artificially colored.

On November 24, 1913, the said Two Brothers Wine and Liquor Co., claimants, having filed their answer admitting the aforesaid allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceeding and execution of bond in the sum of \$200, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 26, 1914.*

3207. Adulteration of grapes. U. S. v. 500 Baskets of Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5378. S. No. 1978.)

On October 27, 1913, the United States Attorney for the Northern District of Ohio, 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 500 baskets of grapes, remaining unsold in the original unbroken packages at Waynesburg, Ohio, alleging that the product had been shipped in interstate commerce on or about October 17, 1913, by the Descalzi Fruit Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. It was alleged in the libel that the product was adulterated in violation of paragraph 6, under "Foods," of section 7 of the act of Congress approved June 30, 1906, commonly known and designated as the Food and Drugs Act, in that said product consisted in whole or in part of filthy, decomposed, and putrid vegetable matter, unfit for food or as an ingredient of food, and on account of the condition of said grapes it was charged in the libel that they were adulterated within the meaning of said act of Congress.

On January 5, 1914, 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 26, 1914.*

3208. Adulteration of tomato stock. U. S. v. 200 Cases of Tomato Stock. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5383. S. No. 1983.)

On October 28, 1913, the United States Attorney for the Southern District of Georgia, 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 200 cases, each containing 24 cans of tomato stock, remaining unsold in the original unbroken packages, and in possession of the Georgia Warehouse & Commission Co., Savannah, Ga., alleging that the product had been shipped on or about October 9, 1913, by the Greenabaum Bros. Co., Seaford, Del., and transported from the State of Delaware into the State of Georgia,