

9566. Adulteration and misbranding of Muscato. U. S. * * * v. Certain Cases of Muscato. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 13415, 13416, 13417, 13419, 13420, 13421. I. S. No. 9751-t. S. No. E-2526.)

On August 24, 1920, the United States attorney for the District of Porto Rico, 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 certain cases of Muscato, at San Juan, P. R., alleging that the article had been shipped by the Ozone Spring Water & Beverage Co., New Orleans, La., on or about July 2, 1920, and transported from the State of Louisiana into the island of Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "* * * Bottled By The Ozone Spring Water & Beverage Co., Inc. New Orleans, La., U. S. A."

Adulteration of the article was alleged in the libels for the reason that imitation grape products, colored in a manner whereby inferiority had been concealed, had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the statements on the label, to wit, "This Is Not A Carbonated Beverage Being A Grape Drink Served * * * In The Same Manner As Any Grape Juice Is Served. Muscato. 'You Taste The Grape,'" and designs showing grapevine and grapes, were false and misleading and deceived and misled the purchaser thereof, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, grape drink.

On January 15, 1921, the Ozone Spring Water & Beverage Co., Inc., New Orleans, having entered an appearance as claimant for the property and having consented to decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9567. Misbranding of pickles. U. S. * * * v. 9 Cases of Pickles. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13845. I. S. No. 11255-t. S. No. C-2567.)

On or about November 3, 1920, the United States attorney for the Southern District of Alabama, 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 9 cases of pickles, remaining unsold in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., June 15, 1920, and transported from the State of California into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Del Monte Brand Quality Sour Mixed Pickles. Net Weight 12 Oz. Drained Weight 8½ Oz. * * * California Packing Corporation. * * * San Francisco California."

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly, conspicuously, and correctly marked on the outside of the package, in that the average net weight of the said article instead of being 12 ounces as labeled was 10.79 ounces, and the average drained weight instead of being 8½ ounces as labeled was 6.21 ounces.

On November 20, 1920, the California Packing Corp., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and

it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9568. Adulteration and misbranding of pie filling. U. S. * * * v. 1,200 Packages and 1,200 Packages of Jewel Brand Lemon Flavor Pie Filling Compound. Decree ordering product released under bond upon payment of costs by claimant, and case dismissed. (F. & D. Nos. 14189, 14190. I. S. Nos. 3562-t, 3563-t. S. Nos. C-2666, C-2669.)

On January 12 and 13, 1921, respectively, the United States attorney for the District of Minnesota, 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 2,400 packages of Jewel Brand lemon flavor pie filling compound, remaining in the original unbroken packages at St. Paul and Minneapolis, Minn., respectively, alleging that the article had been shipped by the Jewel Tea Co., Chicago, Ill., June 16 and July 9, 1920, respectively, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: “* * * Jewel Brand Lemon Flavor Pie Filling Compound * * * Jewel Tea Co., Inc. Headquarters New York, New Orleans, Chicago, San Francisco * * *”

Adulteration of the article was alleged in the libels for the reason that an artificially colored product consisting essentially of cornstarch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, “Lemon Flavor Pie Filling,” was false and misleading and deceived and misled the purchaser, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 28 and May 31, 1921, respectively, the Jewel Tea Co., Inc., having entered its claim and answer and the case having come on for final disposition, decrees were entered ordering that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act, conditioned in part that the said product be relabeled in a manner satisfactory to this department, and that the action be dismissed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9569. Adulteration and misbranding of Citronol. U. S. * * * v. 4 Five-Gallon Cans of Citronol * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14393. I. S. No. 4061-t. S. No. C-2702.)

On February 9, 1921, the United States attorney for the Western District of Michigan, 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 4 five-gallon cans of Citronol, remaining unsold in the original unbroken packages at Grand Rapids, Mich., alleging that the article had been shipped by Ad. Seidel & Sons, Chicago, Ill., on or about August 10, September 1, October 6, and November 13, 1920, respectively, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Lemon flavor) “This flavor is absolutely pure, it is uncolored and complies with the Pure Food Laws of all States. We guarantee it not to bake out. Prepared only by Ad. Seidel & Sons, Manufacturing Chemists,