

15863. Adulteration of cheese. U. S. v. 40 Daisies (Cheese). Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22719. I. S. No. 23592-x. S. No. 751.)

On or about April 16, 1928, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 Daisy cheeses remaining in the original unbroken packages at Marinette, Wis., alleging that the article had been shipped by the Wallace Produce Co., from Wallace, Mich., on or about March 27, 1928, and transported from the State of Michigan into the State of Wisconsin, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an article deficient in milk fat had been mixed and packed with and substituted in part for the said article, and in that milk fat, a valuable constituent, had been in part abstracted.

On May 7, 1928, Louis Shevy, Stephenson, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15864. Adulteration and misbranding of Vino Sano grape bricks. U. S. v. 18 Cases, et al., of Vino Sano Grape Bricks. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22094, 22143 to 22149, incl. I. S. Nos. 19611-x to 19616-x, incl., 19634-x to 19673-x, incl. S. Nos. 123, 187, 188, 189, 190, 192, 193, 194.)

On October 17, 1927, and November 16, 1927, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 132 cases of Vino Sano grape bricks, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Vino Sano Sales Corporation, from New York, N. Y., in various consignments between the dates of August 4, 1927, and August 31, 1927, and had been transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping case) "Vino Sano Grape-Bricks Vino Sano Sales Corp., New York;" (carton) "Vino Sano Grape Brick (cluster of grapes) Vino Sano Co. Inc. San Francisco, Calif.," together with the name of type of flavor, such as "Port," "Muskat," "Rhine," "Malaga," "Sherry," "Burgundy."

Adulteration was alleged in the libel with respect to a portion of the product for the reason that a substance other than grape had been mixed and packed with the said article, so as to reduce, lower, and injuriously affect its quality and strength, and in that substances had been substituted in part for the article. Adulteration was alleged with respect to the remainder of the said article for the reason that a substance, glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the following statements and designs borne on the labels were false and misleading and deceived and misled the purchaser: (Red cartons containing portion of products) (cluster of grapes) "Vino Sano Grapebricks, Grape Juice * * * Grape Brick * * * Port * * * Sherry, Malaga * * * Grape Brick or gallon of juice * * * Muscatel, Rhine, Burgundy * * * For medicinal purposes;" (certain cartons) "Consult your physician * * * Vino Sano Vitamine Concentrate * * * The juice contains the most important Vitamines A, B, and even the latest discovered Vitamine E, and may be prescribed by Doctors instead of any other yeast treatment, especially in place of fermented milk treatments (Kefir, Yoghurt, Kumiss), in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs), which explains the rejuvenating qualities of fruit juice;" (certain cartons) "Vino Sano Vitamine Concentrate;" (certain cartons) "Consult your Doctor! * * * any kind of fruit juice the juice * * * Vino Sano Grape Bricks are the dehydrated, compressed substances as found in the choicest California grapes, carefully blended with selected flavors from imported vines, scientifically prepared"

by the newest process of dehydration, without the use of any harmful, artificial, or synthetic chemical or preservative and conform to the Pure Food Laws of the United States and its States * * * makes a delicious, non-alcoholic, unfermented Grape Juice beverage with: Port, Sherry, or Malaga flavor (sweet tasting types) or Muscatel, Rhine, Burgundy flavor (dry tasting types);" (white cartons containing portion of "Rhine Type," "Malaga Type," and "Sherry Type") (clusters of grapes) "Vino Sano California Grape Bricks, Vino Sano Grape Bricks, with Port, Sherry, Rhine, Burgundy * * * flavors * * * Punch Juice * * * Vino Sano Grape Juice, Port, Sherry or Angelica type * * * Vino Sano Grape Brick, Rhine, Muscat or Burgundy type * * * Grape liquids or berry juices * * * Sweet Juices * * * Vino Sano Grape Bricks contain the dehydrated contents of choice grapes * * * freshly crushed grapes * * * Vino Sano Grape Brick;" (yellow strip label accompanying portions of "Rhine Type," "Malaga Type," "Sherry Type," and "Burgundy Type") "Vino Sano Grape Bricks * * * are the dehydrated substances as found in the choicest grapes * * * from imported vines scientifically prepared by the newest process of dehydration * * * they conform to the Pure Food Laws of the U. S. * * * For making grape beverages. Each Vino Sano Grape Brick * * * makes * * * grape juice with Port, Sherry, or Malaga flavor * * * or Rhine, Muscatel, Burgundy flavor * * * For Port, Sherry, Malaga * * * to every Vino Sano Grape Brick * * * For Rhine, Burgundy and Muscat * * * to every Vino Sano Grape Brick * * * fruit juice * * * of juice;" (portions of product) "Vino Sano Grape Bricks," "California Grape Bricks," "Rhine Type," "Malaga Type," "Sherry Type," "Port Type," "Burgundy Type," and "Muscat Type."

It was further alleged that portions of the "Rhine Type," "Malaga Type," "Sherry Type," and "Burgundy Type" were also misbranded in violation of section 8 of said act, paragraph third, as amended under "Drugs," in that the labels bore the statements, "for medicinal purposes * * * the most effective mild cleansers of the digestive organs * * * remedy * * * digestive * * * Vino Sano Port or Malaga juice in mild fermentation may be prescribed by doctors instead of other yeast treatment as well as in place of fermented milk treatments (Kefir, Yoghurt, Kumiss, etc.) in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs)," whereas the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On May 10, and May 18, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15865. Adulteration of chile peppers. U. S. v. 235 Sacks of Chile Peppers. Decree of condemnation entered. Product released under bond. (F. & D. No. 22721. I. S. No. 17769-x. S. No. 756.)

On May 1, 1928, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amended libel, praying seizure and condemnation of 235 sacks of chile peppers, remaining in the original unbroken packages at San Antonio, Texas, alleging that the article had been shipped by the C. B. Gentry Chile Powder Co., from Los Angeles, Calif., on or about April 4, 1928, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 14, 1928, the C. B. Gentry Chile Powder Co., Los Angeles, Calif., and the Pure Food Products Co., Dallas, Texas, having appeared as claimants for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it should not be sold or disposed of in violation of the law, and it was further ordered by the court that the portion of the product determined by this department to be unfit for human consumption be destroyed. On May 17, 1928,