

Jersey, and charging misbranding in violation of the food and drugs act as amended. The said butter was in prints labeled: "8 Ounces Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "8 Ounces Net," was false and misleading and deceived and misled the purchaser; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "8 ounces net" was incorrect.

On July 31, 1929, M. Augenblick & Bros., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be delivered to the factory to be reprinted into full one-half-pound pieces.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16647. Adulteration and misbranding of grape bricks. U. S. v. 50 Cases of Grape Bricks. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21928. I. S. Nos. 12802-x to 12808-x, incl. S. No. E-3285.)

On or about May 26, 1927, the United States attorney for the Southern District of Florida, 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 50 cases of grape bricks, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Vino Sano Co., from San Francisco, Calif., on or about April 8, 1927, and transported from the State of California into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, corn sugar, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and in that a substance, namely, corn sugar and tartaric acid, had been substituted in part for the said article.

It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, general paragraph and paragraphs 2 and 4, in the case of food, in that the following statements, to wit, "Grape Bricks * * * Recipes for making Grape Juice * * * Grape Brick * * * 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 * * * Then it makes a delicious, non-alcoholic, unfermented Grape Juice beverage. * * * Grape Brick * * * Grape Juice * * * grape liquids or berry juices * * * Vino Sano Grape Bricks contain the dehydrated contents of choice grapes, carefully blended with flavors. When dissolved in a gallon of water, it acts in the same manner as a gallon of freshly crushed grapes * * * Contents of this package conform with the pure food laws of the United States. (Design of clusters of grapes) Grape brick dissolved in plain water makes delicious non-alcoholic unfermented grape juice. Grape bricks are the dehydrated, compressed substances as found in the choicest 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 U. S. * * * Grape Juice * * * the juice acts just like the juice from freshly pressed grapes. * * * Grape Brick * * * Then it makes a delicious non-alcoholic, unfermented grape juice beverage * * * Grape Juice * * * Grape Brick * * * fruit juice * * * the juice * * * Eighty-five per cent of the weight of fresh grapes for juice-making purposes is waste matter (water). It must be transported at a high tariff from one state to another. Water can be obtained everywhere in the United States. But it is the water (ELO) in the fresh grapes, which brings about their ruin, when kept standing too long on railroad sidings or on long overland hauls through hot climes. Therefore grapes must be shipped in highly expensive refrigerating cars. Our process of dehydration does away with all that expense and bother. The consumer may keep our grape juice extract compound without danger of deterioration for months and even years, and when he wants to turn it into grape juice, he simply has to open the water faucet and add the water which was artificially extracted * * * for the making of home-made

fruit juices * * * their fruit and grape juices * * * Grape Bricks," were false and misleading and deceived and misled the purchaser. It was further alleged in the libel that the article was misbranded in violation of paragraph 3, of section 8 of the act as amended, under drugs, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: "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 treatments as well as in place of fermented milk treatments (Kefit, Hoghurt, Kumiss, Etc.) in accordance with the Professor Mechnikoff theory, to eliminate from the system the bacilli senili (old age germs)."

On February 22, 1929, Harry E. Friedman and Lionel E. Levy, copartners trading as the Grape Products Co., Miami, Fla., having appeared as claimants for the property 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 claimants upon payment of costs and the execution of a bond in the sum of \$1,100, conditioned in part that it should not be used in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16648. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22985. I. S. No. 01486. S. No. 1064.)

On August 16, 1928, the United States attorney for the Eastern 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 praying seizure and condemnation of 10 barrels of vinegar at Metropolis, Ill., alleging that the article had been shipped by the Paducah Vinegar Works, from Paducah, Ky., on or about July 21, 1928, and transported from the State of Kentucky into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paducah Vinegar Works Old Homestead Brand Pure Apple Vinegar Reduced to 4% Acid Strength, Paducah, Ky."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar had been mixed and packed with and substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore the statement "Pure Apple Vinegar," which was false and misleading and deceived and misled the purchaser, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 6, 1929, no claimant having appeared for the property, judgment was entered finding the product misbranded, and it was ordered by the court that the said product be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16649. Alleged adulteration and misbranding of canned tomatoes. U. S. v. 1000 Cases, et al., of Tomatoes. Tried to a jury. Special verdict for claimant. Decrees entered ordering product released and cases dismissed. (F. & D. Nos. 21856, 21864, 21877. I. S. Nos. 14719-x, 14762-x, 14763-x, 14768-x. S. Nos. E-6071, E-6099, E-6110.)

On April 21, April 28, and May 5, 1927, respectively, the United States attorney for the District of Delaware, 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 3,998 cases of canned tomatoes at Wilmington, Del., alleging that the article had been shipped by the Salem Packing Co., Salem, Md., in various consignments between the dates of September 18, 1926, and October 28, 1926, and had been transported from the State of Maryland into the State of Delaware, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Salem Beauty (or "Dean's Special") Brand Tomatoes. Contents 1 Lb. 3 Oz. Packed by Salem Packing Co., Salem, Md."

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was al-