It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statements "Grande Italia" and "Naples Style", together with a map of Italy and a picture of tomatoes so designed as to make them appear to be pear-shaped, or Italian, tomatoes, all appearing on the label, were misleading and tended to deceive and mislead the purchaser when applied to a domestic product, and this misbranding was not corrected by the inconspicuous declaration on the side panel, "Packed in U. S. A."; in that the article purported to be a foreign product when not so, and in that the statement on the label, "Ossola Brothers, Inc.", was misleading and tended to deceive and mislead the purchaser, since it implied that Ossola Bros., Inc., were the packer, which was not the case.

On December 14, 1936, Ossola Bros., Inc., having withdrawn its claim and answer, previously filed, judgment of condemnation was entered and it was ordered that the product be destroyed and that costs be taxed against the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

26828. Misbranding of whisky. U. S. v. 23 Cases, 109 Cases, and 13 Cases of Whisky. Consent decree of condemnation and destruction. (F. & D. no. 35967. Sample nos. 31006-B, 31007-B, 31008-B.)

This case involved whisky which was misbranded as to its age.

On June 28, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cases of "Silver Brook Straight Whiskey" and 122 cases of "Lord Bacon Straight Whiskey" at Newark, N. J., alleging that the article had been shipped in interstate commerce by the Reo Distillers, Inc., from Newark, N. J., in part to Tampa, Fla., and in part to Houston, Tex.; that it had been returned from the consignees on or about May 27 and June 4, 1935, and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements, "Distilled January, 1934, Bottled January, 1935 * * * 12 months old" with respect to the Silver Brook brand, and "Distilled in January, 1934, Bottled January, 1935" with respect to the Lord Bacon brand were false and misleading and tended to deceive and mislead the purchaser when applied to whisky less than 1 year old.

On July 30, 1936, the Reo Distillers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26829. Misbranding of alfalfa meal. U. S. v. Tremaine Alfalfa Ranch & Milling Co., Inc. Plea of guilty. Fine, $50. (F. & D. no. 35931. Sample no. 10151-B.)

This case involved a product that contained smaller percentages of crude protein and nitrogen-free extract and a larger percentage of crude fiber than declared on the label.

On September 9, 1935, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Tremaine Alfalfa Ranch & Milling Co., Inc., Mesa, Ariz., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 24, 1934, from the State of Arizona into the State of Texas of a quantity of alfalfa meal that was misbranded. The article was labeled in part: "Tremaine Brand Alfalfa Meal * * * Manufactured by Tremaine Alfalfa Ranch & Milling Company, Inc., Mesa, Arizona."

It was alleged to be misbranded in that the statements, "Guaranteed Analysis: Crude Protein, not less than 16.0 per cent * * * Nitrogen Free Extract, not less than 40.0 per cent * * * Crude Fiber, not more than 25.0 per cent", borne on the tags attached to the bags containing the article, were false and misleading; and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser since it contained less than 16 percent of crude protein, less than 40 percent of nitrogen-free extract, and more than 25 percent of crude fiber.

On September 26, 1936, the defendant filed a demurrer to the information, which was argued October 26, 1936, and overruled without opinion. On November 24, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

W. R. GREGG, *Acting Secretary of Agriculture.*