The article was alleged to be misbranded in that the statement on the label, "Blackberry Type Wine", was false and misleading and tended to deceive and mislead the purchaser when applied to a grape wine or diluted wine containing little or no blackberry; and in that it was an imitation of and offered for sale under the distinctive name of another article.

On August 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to the Treasury Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26203. Adulteration and misbranding of preserves. U. S. v. 280 Cases of Preserves. Consent decree of condemnation. Product released under bond. (F. & D. no. 37219. Sample nos. 56165–B, 56166–B, 56168–B, 56169–B, 56170–B, 56172–B.)

This case involved preserves that were deficient in fruit and contain added acid and pectin.

On February 19, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 280 cases of preserves at Cincinnati, Ohio, consigned by the American Syrup & Sorghum Co., alleging that the article had been shipped in interstate commerce on or about September 26, October 2, and October 11, 1935, and January 17, 1936, by the American Syrup & Sorghum Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Gruber's Pure Blackberry [or "Strawberry", or "Peach", or "Raspberry"] Preserves, * * * American Syrup & Sorghum Co., Gruber Foods Div., St. Louis, Mo."; "Country Club Brand Pure Strawberry [or "Cherry"] Preserves * * * Distributed by The Kroger Grocery & Baking Co., Cincinnati, O."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality; in that insufficiently concentrated mixtures of fruit, sugar, acid, and pectin containing less fruit than preserves, had been substituted for preserves, which the articles purported to be; and in that a mixture of sugar, acid, and pectin had been mixed with the articles in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Strawberry Preserves", "Pure Peach Preserves", Pure Raspberry Preserves", and "Cherry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but containing less fruit than preserves, the deficiency in fruit being concealed by the addition of acid, pectin, and excess sugar; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On August 4, 1936, the American Syrup & Sorghum Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked and reconditioned under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26204. Adulteration of canned salmon. U. S. v. 28 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37270. Sample no. 48100–B.)

This case involved canned salmon that was in whole or in part decomposed.

On February 27, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of canned salmon at Milwaukee, Wis., alleging that the article had been shipped on or about October 25, 1935, by the F. A. Gosse Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*