26223. Misbranding of beer. U. S. v. 229 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37534. Sample no. 64302-B.)

This case involved an interstate shipment of beer that contained less alcohol than the percentage thereof represented on the label.

On April 2, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 229 cases of beer at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 30, 1936, by Sterling Brewers, Inc., from Evansville, Ind., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in bottles was labeled in part: (Principal label) "Contents 12 Fluid Oz. * * * Sterling Beer High Quality Brewed & Bottled by Sterling Brewers, Inc. Evansville, Ind."; (neck band) "Not Over 12½% Proof Spirits Sterling High Quality."

The article was alleged to be misbranded in that the statement on the label, "Not Over 12½% Proof Spirits", was false and misleading and tended to deceive and mislead purchasers when applied to a product containing only 4.43 percent of alcohol by volume and less than 12½ percent proof spirits.

On May 9, 1936, Entreken Sales Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26224. Misbranding of beer and ale. U. S. v. 183 Cases of Beer and 100 Cases of Ale. Default decree of condemnation. Product delivered to the United States Department of the Treasury. (F. & D. no. 37568. Sample nos. 64397-B, 64398-B.)

This case involved an interstate shipment of beer and ale that contained less alcohol than the percentages thereof represented on the labels.

On or about April 9, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 cases of beer and 100 cases of ale at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about February 23, 1936, by the Red Top Brewing Co., from Cincinnati, Ohio, and that they were misbranded in violation of the Food and Drugs Act. The beer, contained in bottles, was labeled: (Principal label) "Red Top Beer Extra High Made in the former Hauck Brewery Red Top Brewing Company Cincinnati, O. Contents 12 Fluid Ounces"; (neck label) "Not over 14 per cent proof spirits [the figure "14" one-half inch high and the remainder 8-point caps light]." The ale, contained in bottles, was labeled: (Principal label) "Red Top 8 Ale Made in the former Hauck Brewery Red Top Brewing Company Cincinnati, O. Contents 12 Ounces"; (neck label) "8" [figure ¾-inch high]."

The beer was alleged to be misbranded in that the statements on the labels, "Extra High" and "Not over 14 per cent proof spirits", were misleading and tended to deceive and mislead the purchaser when applied to a product containing 4.62 percent of alcohol by volume. The ale was alleged to be misbranded in that the statement on the main bottle label, "8 * * * strong ale", and the statement on the neck label, "8", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 6.50 percent of alcohol by volume.

On May 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to the nearest proper official of the United States Department of the Treasury.

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

26225. Adulteration of turnips. U. S. v. 512 Sacks of Turnips. Decree of condemnation and destruction. (F. & D. no. 37576. Sample no. 56021-B.)

This case involved an interstate shipment of turnips that were found to be decayed and moldy.

On April 10, 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 512 sacks of turnips at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about March 20, 1936, by Trulyn Shippers, Inc., from Edinburg, Tex., and that it was adulterated in violation of the Food and Drugs Act.