

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. 64392-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, Entreen 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. 37578. 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.

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

On April 28, 1936, a decree of condemnation was entered, and it was ordered that the product be destroyed.

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

26226. Adulteration of canned salmon. U. S. v. 694 Cases and 119 Cases of Canned Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 37579, 37591. Sample nos. 65175-B, 65176-B, 66837-B.)

These cases involved canned salmon that was in part decomposed.

On April 10 and April 13, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 813 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 27, 1935, by Pioneer Canneries, Inc., from Cordova, Alaska, 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 June 11, and June 13, 1936, the Pioneer Canneries, Inc., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of contrary to the provisions of the Food and Drugs Act.

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

26227. Adulteration of cheese. U. S. v. 20 Boxes of Cheese, and other cases. Default decree of condemnation and destruction. (F. & D. no. 37586. Sample nos. 63090-B to 63100-B, incl., 63226-B.)

This case involved an interstate shipment of various kinds of cheese that had been polluted by flood water and sewage.

On April 13, 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 20 boxes of so-called "Longhorn Cheese", 6 boxes of "Dairy Cheese", 258 jars of "Shefford Pasteurized Limburger Processed Cheese", 130 packages of "Shefford Cheese Limburger", 1,170 packages of "Shefford Process Cheese", 54 boxes of "Kingan's Process Cheese White American", 768 boxes of "Shefford Process Cheese White American", 402 boxes of so-called "Shefford Pasteurized Process Cheese Pimiento", 55 boxes of so-called "Shefford Pasteurized Process Cheese Swiss Blended with American", 5 boxes of so-called "Shefford Pasteurized Cream Cheese", 3 jars of mayonnaise, 18 packages of snappy cheese, 17 boxes of so-called "Kingan's Process Cheese American", and 3¾ wheels of domestic Swiss cheese, at Green Bay, Wis., alleging that the articles had been shipped in interstate commerce on or about March 22, 1936, by Kingan & Co., from Harrisburg, Pa., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy 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.*

26228. Misbranding of sirup. U. S. v. 21 Cartons of Sirup. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37587. Sample no. 67039-B.)

This case involved interstate shipments of sirup the containers of which were short in volume.

On April 14, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cartons each containing 24 jugs of sirup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 6 and February 5, 1936, by Lyons-Magnus, Inc., from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents 12 Fl. Ozs. * * * Lyons-Magnus, Inc. Fruit Products San Francisco, U. S. A."