

court a libel praying seizure and condemnation of three barrels of crab meat at Philadelphia, Pa., and on May 9 and 23, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of four barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4 and 5, 1936, by S. L. Lewis from Brunswick, Ga., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted of a filthy animal substance.

On May 23 and 27, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

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

26262. Misbranding of beer. U. S. v. 180 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37797. Sample no. 68537-B.)

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

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by the Superintendent of the Division of Foods, Fertilizers and Dairies, Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 180 cases of beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1936, by the Terre Haute Brewing Co., from Terre Haute, Ind., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Champaign Velvet Beer Super Strong (not over 12½%—Proof Spirits)."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, because of the statement on the label, "Super Strong (not over 12½%—Proof Spirits)", when analysis showed that the article contained less than 5 percent of alcohol by weight.

On April 28, 1936, R. L. Wiles Distributing 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.*

26263. Misbranding and alleged adulteration of beer. U. S. v. 200 Cases of Oertel's '92. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37798. Sample no. 68542-B.)

This case involved a shipment of beer that contained less alcohol than indicated on the labeling.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 200 cases of Oertel's '92 beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 6, 1936, by the Oertel Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Not to be sold where law forbids sale of High Alcoholic Beverages. Extra Strong."

The article was alleged to be adulterated in that a beverage containing less alcohol than should be found in an extra strong product had been substituted for the said article.

The article was alleged to be misbranded in that the statement, "Not to be sold where law forbids sale of High Alcoholic Beverages, Extra Strong", was deceptive and misleading since analysis showed that the product contained less than 5 percent of alcohol by weight.

On April 24, 1936, the Dixie Bottling Co., Nashville, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned. The decree provided for release of the product under bond for relabeling.

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