mixed in a manner whereby inferiority was concealed. The remainder of the strawberry preserves were alleged to be adulterated in that a mixture of sugar, acid, water, and pectin had been mixed and packed with the articles so as to reduce, lower, or affect its quality; in that a mixture of fruit, sugar, acid, pectin, and moisture containing less fruit than preserve had been substituted for preserve; and in that the article had been mixed in a manner whereby inferiority was concealed. The remainder of the raspberry preserves were alleged to be adulterated in that a mixture of sugar and water, one lot also containing added pectin, had been mixed with the article so as to reduce, lower, or affect its quality; (2) in that a mixture of fruit, sugar, and moisture containing less fruit than preserve and one lot also containing added pectin, had been substituted for preserve; and (3) in that the article had been mixed in a manner whereby inferiority was concealed.

The products were alleged to be misbranded in that the statements on the labels, "Pure Strawberry Preserves" or "Pure Raspberry Preserves", as the case might be, were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves contain; and in that they were imitations and offered for sale under the distinctive names of other articles.

On May 6, 1936, no claimant having appeared, judgments were entered finding the products misbranded and ordering that they be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25972. Adulteration and misbranding of skim-milk powder. U. S. v. 6 Barrels of Alleged Skim Milk Powder. Default decree of condemnation and destruction. (F. & D. no. 36860. Sample no. 48805-B.)

This case involved skim-milk powder that was sour and decomposed.

On December 31, 1935, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels, each containing 200 pounds of skim-milk powder at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by the Brookhaven Creamery Co., from Brookhaven, Miss., and charging adulteration and misbranding 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.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, skim-milk powder.

On March 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25973. Adulteration and misbranding of wine. U. S. v. 18 Barrels, 29 Barrels, 40 Barrels, 26 Barrels, 13 Barrels, and 41 Barrels of Wine. Consent decrees of condemnation. Products released under bond for relabeling. (F. & D. nos. 36890, 37086, 37087, 37138, 37149, 37150. Sample nos. 36214-B, 51161-B, 51167-B, 51168-B, 51170-B, 51171-B, 51172-B, 51176-B to 51186-B, incl.)

These cases involved interstate shipments of wines that were deficient in alcohol or artificially colored, or both.

The United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court on December 27, 1935, a libel praying seizure and condemnation of 18 barrels of wine; on January 20, 1936, one libel praying seizure and condemnation of 29 barrels of wine, and another praying seizure and condemnation of 40 barrels of wine; on January 30, 1936, a libel praying seizure and condemnation of 26 barrels of wine; on February 4, 1936, one libel praying seizure and condemnation of 13 barrels of wine, and another praying seizure and condemnation of 41 barrels of wine at Baltimore, Md., alleging, respectively, that the articles had been shipped in interstate commerce on or about August 23 and 29, November 1, 11, 12, 18, 19, 22, and 24, 1935, December 5, 7, 9, 13, 14, 16, 17, 21, 23, and 24, 1935, and January 3, 1936, by Geffen Industries, from Long Island City, N. Y., and that they were adulterated or misbranded, or both, in violation of the Food and Drugs Act.

In one lot the wine was labeled in part: "Geffen Industries Long Island City, N. Y. Blackberry Type Wine * * * Kind of Wine Amer. Blackberry Type Alcoholic Contents Not over 14%." Said article was alleged to be adul-

terated in that an artificially colored mixture of alcohol and water containing tartaric acid had been substituted for blackberry-type wine, and in that the article was mixed and colored whereby inferiority was concealed. Said article was alleged to be misbranded in that the statements, "Blackberry Type * * * Alcoholic Contents Not Over 14%", were false and misleading and tended to deceive and mislead the purchaser when applied to an artificially colored mixture of alcohol and water containing tartaric acid and 11.7 percent of alcohol, and in that the article was an imitation of and offered for sale under the distinctive name of another article.

The wine in a certain other lot was labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Blackber Type * * * Kind of Wine Amer. Blackber Type Alcoholic Contents 14%." Said article was alleged to be adulterated in that an artificially colored grape wine, deficient in alcohol, had been substituted for blackberry-type wine. Said article was alleged to be misbranded in that the statement on the label, "Blackber Type * * * Alcoholic Contents 14%", was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that it was an imitation of and offered for sale under the distinctive name of another article.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Port Wine * * * Kind of Wine Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Sherry Wine * * * Kind of Wine Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Muscatel Wine * * * Kind of Wine Muscatel Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. Amer. (or NYS) Tokay Wine * * * Kind of Wine Tokay Alcoholic Contents Not Over 14%." Said articles were alleged to be adulterated in that an artificially colored grape wine deficient in alcohol had been substituted for port, sherry, muscatel, and Tokay wines. Said articles were alleged to be misbranded in that the statement on the label, "Port", or "Sherry", "Muscatel", or "Tokay", as the case may have been, was false and misleading and tended to deceive and mislead the purchaser when applied to wine containing less than 14 percent of alcohol; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

The wines in certain other lots were labeled in part: "Geffen Industries Long Island City, N. Y. NYS Port Wine Kind of Wine NYS Port Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Sherry Wine Kind of Wine NYS Sherry Alcoholic Contents Not Over 14%"; "Geffen Industries Long Island City, N. Y. NYS Muscatel Wine Kind of Wine NYS Muscatel Alcoholic Contents Not Over 14%." Said article was alleged to be misbranded in that the names "Port", "Sherry", or "Muscatel", as the case may have been, were false and misleading and tended to deceive and mislead the purchaser when applied to wines containing less than 14 percent of alcohol by volume.

On February 14, June 8, and August 5 and 18, 1936, Geffen Industries, claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered, and it was ordered that the products be released under bond conditioned that they be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

25974. Adulteration of canned peas. U. S. v. 806 Cans of Flavor Crest Peas. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 36905. Sample no. 13915–B.)

This case involved an interstate shipment of canned peas which were in whole or in part infested with weevils.

On January 4, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 806 cases of canned peas at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by the Walla Walla Canning Co., from Walla Walla, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Flavor Crest Peas Net Weight 1 Lb. 4 Oz. Packed by Walla Walla Canning Company Walla Walla, Washington Produce of U. S. A."