

* * * Fishers Special Amber. Herman O. Fisher Co., San Francisco, Calif."

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

On April 13, 1936, the Herman O. Fisher Co., having appeared as claimant for the article 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 not be disposed of in violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

26023. Adulteration of tomato puree. U. S. v. 11 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 37370. Sample no. 52223-B.)

This case involved shipments of tomato puree that contained excessive mold.

On March 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of tomato puree at Ashtabula, Ohio, alleging that the article had been shipped in interstate commerce on or about December 12, 1935, and February 24, 1936, by the Girard Canning Co., from North Girard, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Girard Brand * * * Tomato Puree * * * Packed by Girard Canning Co., Erie, Pa."

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

On May 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26024. Misbranding of beer. U. S. v. 40¾ Cases and 108 Cases of Beer. Product ordered released under bond to be relabeled. (F. & D. nos. 37371, 37435. Sample nos. 68708-B, 68719-B.)

These cases involved shipments of beer that contained less alcohol than the amount indicated on the labels.

On March 16 and March 24, 1936, the United States attorney for the Northern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 148¾ cases of beer at Tulsa, Okla., alleging that the article had been shipped on or about March 4 and March 17, 1936, by the Peerless Brewing Co., from Washington, Mo., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled, (main label) "Big 6 Cardinal 'Fully Aged' Beer * * * Peerless Brewing Co., Washington, Mo.", (neck band) "Does not contain more than 6% alcohol by volume"; and a portion was labeled, (main label) "Green Tree 6% Beer. Does not contain more than 6% alcohol by volume. Distributed by Green Tree Breweries, Inc., St. Louis, Mo."

The article was alleged to be misbranded in that the statements, "Big 6", "6% Beer", and "Does not contain more than 6% alcohol by volume", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing 3.89 percent (Green Tree) and 3.59 percent (Big 6 Cardinal), respectively, of alcohol by volume.

On March 26 and March 30, 1936, the Southern Fish & Oyster Co. and the Falstaff Distributing Co., of Tulsa, Okla., having appeared as claimants for respective portions of the article, decrees were entered ordering that the article be released to the respective claimants under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26025. Adulteration and misbranding of strawberry and pineapple preserves. U. S. v. 381 Jars of Alleged Strawberry Preserves and 117 Jars of Alleged Pineapple Preserves. Default decree of condemnation and destruction. (F. & D. no. 37378. Sample nos. 62620-B, 62621-B.)

This case involved a shipment of alleged preserves that were deficient in fruit and that contained an excess of sugar and added acid and pectin.

On or about March 18, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 498 jars of alleged preserves at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about August 1, 1935, by National Kream Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the

Food and Drugs Act as amended. The articles were labeled in part: "King Arthur Pure Preserves Strawberry [or "Pineapple"] * * * Jas. E. Arthur & Son Distributors, Baltimore, Md."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed therewith so as to reduce or lower their quality; in that a mixture of fruit, sugar, acid, and pectin that contained less fruit and more sugar than preserves had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statement on the label, "Pure Preserves Strawberry" and "Pure Preserves Pineapple", were false and misleading and tended to deceive and mislead the purchaser when applied to products that resembled preserves but which contained less fruit than preserves, the deficiency in fruit having been concealed by the addition of acid, pectin, and excess sugar; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26026. Adulteration and misbranding of preserves. U. S. v. 25 Cases of Preserves. Default decree of condemnation. Product delivered to a public institution. (F. & D. no. 37381. Sample nos. 55517-B, 55518-B, 55519-B.)

This case involved shipments of blackberry, peach, and red raspberry preserves that were deficient in fruit and contained excess sugar. They also contained added pectin or acid or both added pectin and acid.

On or about March 19, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of blackberry, peach, and raspberry preserves at Detroit, Mich., alleging that the articles had been shipped during the month of January 1936, by the J. M. Smucker Co., from Orrville, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Quaker Pure Blackberry [or "Peach" or "Raspberry"] Preserves * * * Lee & Cady Distributors Michigan."

The articles were alleged to be adulterated in that a mixture of sugar and pectin in the case of the blackberry preserves, a mixture of sugar and acid in the case of the peach preserves, and a mixture of sugar, pectin, and acid in the case of the raspberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves; and in that the articles had been mixed 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 Peach Preserves", and "Pure Red Raspberry Preserves", 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; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be delivered to a public institution.

W. R. GREGG, *Acting Secretary of Agriculture.*

26027. Misbranding of canned corn. U. S. v. 10 Cases and 400 Cases of Canned Corn. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 37383, 37582. Sample nos. 52799-B, 52949-B.)

These cases involved shipments of products sold as Country Gentleman corn of high quality. Examination showed that one lot was Country Gentleman corn of standard quality and that the other lot was corn of a broad-kernel variety of low quality.

On March 26 and April 11, 1936, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 410 cases of canned corn at Quincy, Ill., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1936, and in part on or about