and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bakes 200 Loaves Vegi-Lax For Ownen's Original Laxative Bread."

The article was alleged to be misbranded in that the statement on the label, "Vegi-Lax For Ownen's Original Laxative Bread", was false and fraudulent, since the article, when used as directed on the label in baking 200 loaves of bread of ordinary size, would impart to such bread no appreciable laxative effect.

On December 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25366. Misbranding of beer. U. S. v. 1,388 Cases of Beer. Product released under bond. (F. & D. no. 36523. Sample no. 28458–B.)

This case involved beer containing 4.33 percent of alcohol, which was labeled to convey the impression that it contained 6 percent of alcohol.

On October 22, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,388 cases of beer at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 9 and 10, 1935, by the American Brewing Co., from New Orleans, La., and changing misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle): "Regal Beer Regal Lager * * * American Brewing Co., New Orleans." The neckband bore the statement, "Contents Not More Than 6% Alcohol By Volume", the phrase "6%" being in prominent and large type and the remainder of the statement being in small inconspicuous type.

The article was alleged to be misbranded in that the statement on the neckband of the bottle, "Contents Not More Than 6% Alcohol By Volume", was misleading and tended to mislead the purchaser.

On November 14, 1935, the Regal Beer Co., Houston, Tex., having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25367. Misbranding of beer. U. S. v. 600 Cases of Beer. Product adjudged misbranded and released under bond. (F. & D. no. 36525. Sample no. 28460–B.)

This case involved a shipment of beer containing 4.97 percent of alcohol which was labeled to convey the impression that it was high-test beer containing 6 percent of alcohol.

On October 22, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of beer at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 27, 1935, by the Dixie Brewing Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Does Not Contain More Than 6 Per Centum of Alcohol by Volume * * * Dixie Hi-Test Beer * * * Merz Products Co., Inc. New Orleans, La."

The article was alleged to be misbranded in that the statement on the bottle label, "Does Not Contain More Than 6 Per Centum of Alcohol by Volume * * * Hi-Test Beer", was misleading and tended to mislead the purchaser.

On October 29, 1935, the Dixie Brewing Co. having appeared as claimant for the property and having admitted the allegations of the libels, judgment was entered finding the product misbranded and ordering that it be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

25368. Adulteration of tomato puree. U. S. v. 42½ Cases of Tomato Puree, and other cases. Default decrees of condemnation and destruction. (F. & D. nos. 36526, 36530, 36534. Sample nos. 45157–B, 45158–B, 45160–B.)

These cases involved canned tomato puree that contained excessive mold.

On October 19, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the