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

district court a libel praying seizure and condemnation of 42½ cases of tomato puree at Cincinnati, Ohio. On October 21, 1935, libels were filed against 74½ cases of canned tomato puree at Covington, Ky., and 33¾ cases of the product at Newport, Ky. The products were shipped in interstate commerce in various shipments on or about September 6, October 3, and October 8, 1935, by the Preston Rider Packing Co., Campbellsburg, Ind. It was alleged in the libels that the article had been shipped in interstate commerce from Campbellsburg, Ind., in part, into the State of Ohio and in part, into the State of Kentucky, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rider's Best Tomato Puree Preston Rider Packing Company Campbellsburg, Indiana."

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

On November 21 and December 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

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

25369. Misbranding of tomato paste. U. S. v. 149 Cases of Tomato Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 36528. Sample no. 43751–B.)

This case involved tomato paste of domestic origin which was labeled to convey the impression that it was of Italian origin.

On October 21, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of tomato paste at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 1, 1935, by the Flotill Products Co., from Stockton, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Boston I Stores Brand Pure Tomato Paste With Basil Packed for Boston I Stores Boston, Mass."

The article was alleged to be misbranded in that the design of the map of Italy appearing on the main panels of the label, coupled with the statement in Italian, "Pura Salsa di Pomidoro Con Basilico" was misleading and tended to mislead the purchaser when applied to a product which was not made in Italy.

On November 22, 1935, the Boston Italian Grocery Co., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

25370. Adulteration of canned salmon. U. S. v. 5,462 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 36538. Sample nos. 26569–B, 37892–B.)

This case involved canned salmon which was in part decomposed.

On October 23, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5,462 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 9, 1935, by the Independent Salmon Canneries, Inc., from Ketchikan, 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 October 29, 1935, the Independent Salmon Canneries, Inc., claimant, having admitted the allegations of libel 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 should not be disposed of in violation of the Federal Food and Drugs Act.

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

25371. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 36576. Sample no. 47411–B.)

This case involved apples that were contaminated with arsenic and lead.

On October 8, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the