

Misbranding was alleged for the reason that the statement appearing on the shoulder label, "Champyne Americaine", was false and misleading and tended to deceive and mislead the purchaser since the product was not champagne; for the further reason that the design on the main bottle label depicting a medieval walled city and the typical champagne bottle of thick glass with the pushed-up bottom and champagne-style wired-in cork stopper, were misleading and tended to deceive and mislead the purchaser when used in connection with an effervescent alcoholic beverage having the flavor of a fermented apple product, and which was not champagne; and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 16, 1935, the cases, with one exception, were terminated by the entry of default decrees ordering the product condemned and disposed of in a manner which would not violate the Federal Food and Drugs Act. On March 21, 1935, the Heidsik Distributing Co. Inc., having filed a claim for 47½ cases seized under the remaining libel, judgment of condemnation was entered and it was ordered that the said 47½ cases of the product be released to the claimant under bond, conditioned that it be relabeled in a manner approved by this Department.

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

24303. Adulteration of frozen mixed eggs. U. S. v. 395 Cans of Frozen Mixed Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 34601. Sample no. 7391-B.)

This case involved an interstate shipment of frozen mixed eggs which were found to be in part decomposed.

On December 29, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 395 cans of frozen mixed eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 13, 1934, by Krasno Quality Egg Co., from Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act.

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

On February 8, 1935, Theodore Aaron, New York, N. Y., claimant, having admitted the allegations of the 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 the decomposed portion be separated therefrom and destroyed or denatured.

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

24304. Adulteration of apples. U. S. v. 292 Bushels of Apples. Consent decree of condemnation. Product released under bond, conditioned that deleterious substances be removed. (F. & D. no. 34658. Sample no. 25701-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about November 3, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by Leroy N. Markham Co., from Bangor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Leroy N. Markham Bangor Mich Stark."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On January 30, 1935, the Leroy N. Markham Co., claimant, having admitted the allegations of the 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 the deleterious substances be removed by peeling or washing under the supervision of this Department.

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