22734. Adulteration and misbranding of alleged bourbon whisky, a blend. U. S. v. 24 Cases and 25 Cases of Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32323. Sample nos. 64228–A, 64230–A.)

This case involved a shipment of alleged bourbon whisky, a blend, which was artificially colored with caramel and contained little or no bourbon whisky.

On or about March 16, 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 49 cases of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 27 and March 2, 1934, by Kolmar, Inc., from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Riverdale 90 Proof Bourbon Whiskey A Blend Blended by Kolmar Inc. Cincinnati, Ohio."

It was alleged in the libel that the article was adulterated in that an artificially colored diluted alcohol containing little or no bourbon whisky had been substituted for "Bourbon Whiskey, a Blend", which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Bourbon Whiskey, a Blend", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 6, 1934, Kolmar, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $500, conditioned that it be relabeled under the supervision of this Department.

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

22735. Misbranding of apple butter. U. S. v. 70 (135) Cases of Apple Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32336. Sample nos. 61242–A, 61243–A.)

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds, the weight declared on the label.

On March 16, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 cases of apple butter at Chattanooga, Tenn., consigned by the Von Allmen Preserving Co., alleging that the article had been shipped in interstate commerce, on or about June 1, 1933, from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended. Subsequently the libel was amended to change the amount from 70 cases to 135 cases. The article was labeled in part: "Apple Butter Farm Brand Contents 2 Lbs. Pure Apple Butter Packed by Von Allmen Preserving Co., Louisville, Ky."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the jars did not contain 2 pounds of apple butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The product was delivered to charitable institutions.

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

22736. Adulteration and misbranding of whisky. U. S. v. 22¾ Cases of Glenshire Scotch Whisky. Decree of condemnation and forfeiture. Portion of product released under bond to be relabeled, remainder destroyed. (F. & D. nos. 32327, 32329, 32330, 32338, 32340. Sample nos. 62100–A, 62151–A, 67371–A, 68645–A, 68646–A.)

These cases involved various shipments of a product under the name of Scotch Whiskey Imperial Blend, which consisted principally of a mixture, made in the United States, of dilute alcohol and a small proportion of Scotch whisky. The packages failed to bear a proper declaration of the quantity of