

The article in the lot of 25 bottles was alleged to be misbranded in that the statement, "Blackberry Type \* \* \* Wine", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, when applied to an artificially colored grape wine containing little or no blackberry flavor. The article in the lot of 14 bottles was alleged to be misbranded in that the statement, "Blackberry \* \* \* Wine Alcohol Strength not over 14% nor under 11% by volume", borne on the label, was false and misleading and tended to deceive and mislead the purchaser, when applied to an artificially colored grape wine containing little or no blackberry flavor, and containing 10.5 percent of alcohol by volume. The article in the lot of 25 bottles and in the lot of 14 bottles was alleged to be misbranded in that it was an imitation of and appeared for sale under the distinctive name of another article.

On April 8, 1936, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be delivered to the Secretary of the Treasury for disposal by him in accordance with law.

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

**25722. Misbranding of canned peaches. U. S. v. 138 Cases of Canned Peaches. Consent decree of condemnation. Product released under bond for relabeling.** (F. & D. no. 37145. Sample no. 65309-B.)

This case involved an interstate shipment of canned peaches that fell below the standard established by the Department of Agriculture because the liquid portion fell below 14° Brix, indicating that the product was water-packed; and the pieces were not uniform in size, were not unblemished, and were not in unbroken halves. The product was not labeled to indicate that it was sub-standard.

On February 7, 1936, 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 138 cases of canned peaches at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about August 31, 1935, by the Packwell Corporation, from Oakland, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled: "Net Contents 6 Lbs. 7 Oz. Bonnie Best Yellow Cling Peaches In Syrup Packed for Younglove Grocery Co., Tacoma, Wash."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that the article fell below such standard.

On March 16, 1936, the Younglove Grocery Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to conform to the requirements of the Food and Drugs Act.

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

**25723. Adulteration of sloeberries. U. S. v. 37 Bags of Sloeberries. Default decree of condemnation and destruction.** (F. & D. no. 37157. Sample no. 46533-B.)

This case involved an interstate shipment of sloeberries that were wormy, moldy, and dirty.

On February 5, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bags (6,035 pounds) of sloeberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 7, 1935, by Peek & Velsor, Inc., from New York, N. Y., and that it was adulterated 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 filthy and decomposed vegetable substance.

On March 2, 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.*