The libels charged that the article was adulterated in that coffee chaff and rye cereal had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for coffee.

Misbranding was alleged for the reason that the statement, "Pure * * * Coffee", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold or offered for sale under the distinctive name of another article.

No claim was entered for the property seized. On November 1 and November 7, 1933, judgments were entered in the Southern District of Georgia and the Northern District of Florida ordering that the product be destroyed. On November 28, 1933, judgment of condemnation and forfeiture was entered in the cases instituted in the Middle District of Georgia, and it was ordered by the court that the product be delivered to a charitable institution, since the adulteration was of such nature as not to be injurious to health.

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

21762. Adulteration of bottled beer. U. S. v. 24 Cases of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31023. Sample no. 44233-A.)

This case involved an interstate shipment of bottled beer that was in part sour and spoiled.

On August 29, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of bottled beer at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about May 5, 1933, by Berks County Bottling Works, from Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bushkill Lager Bushkill Products Co., Easton, Penna."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On November 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21763. Misbranding of walnut meats. U. S. v. 92 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30979. Sample no. 50878-A.)

This case involved an interstate shipment of walnut meats in cans. Sample cans taken from the shipment were found to contain less than 8 ounces, the labeled weight.

On August 29, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 cases of walnut meats at Denver, Colo., consigned by the Dundee Walnut Association, Dundee, Oreg., alleging that the article had been shipped in interstate commerce on or about November 10, 1932, from Dundee, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Nor-Pac Oregon walnut meats. Fancy Light Net Wt. 8 Ounces. North Pacific Nut Growers Cooperative, Lebanon, Oregon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Wt. 8 Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On November 24, 1933, the North Pacific Nut Growers Cooperative, Lebanon, Oreg., having appeared as claimant for the property and having admitted the allegations of the libel, 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 $1,200, conditioned that it be relabeled under the supervision of this Department.

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