On October 18, 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.*

21498. Adulteration and misbranding of Old English Punch Maker. U. S. v. 14 Cases of Old English Punch Maker. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30609. Sample nos. 37030–A to 37036–A, incl.)

This case involved a product intended for use in preparing various fruit-flavored beverages, which upon examination was found to contain artificial color and acid, with a negligible amount, if any, of fruit present. The statement of the quantity of the contents appearing on the labels was not plain and conspicuous.

On June 14, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of Old English Punch Maker at Salem, Oreg., alleging that the article had been shipped in interstate commerce, on or about May 2, 1933, by the Western Sales, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that an artificially colored mixture of sugar and acid containing a negligible amount, if any, of fruit flavor had been substituted for a beverage base containing fruit flavor. 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 statements on the carton and circular, "Punch Maker Strawberry [or "Loganberry", "Cherry", "Raspberry", "Orange", "Lemon", or "Lime"] Flavor", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and in that it was 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 not easily legible.

On October 4, 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.*

21499. Adulteration of mayonnaise. U. S. v. 49 Cases and 49 Cases of Mayonnaise. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30364. Sample nos. 36251–A, 36252–A.)

This case involved an interstate shipment of mayonnaise which was found to contain added water.

On April 27, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases each containing 1 dozen pint jars, and 49 cases each containing 1 dozen half-pint jars of mayonnaise at Milwaukee, Wis. On August 24, 1933, an amended libel was filed. It was alleged in the libel as amended that the article had been shipped in interstate commerce, on or about April 11, 1933, by the Blue Seal Food Products, Inc., from Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Hazel Brand Mayonnaise * * * Geo. Rasmussen Co. Chicago."

Adulteration of the article was alleged in the amended libel in that water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality and strength; in that water had been substituted for mayonnaise; and in that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Mayonnaise", on the label, was false and misleading and deceived and misled the purchaser, when applied to an article containing added water.

On October 20, 1933, the Blue Seal Products, Inc., the sole intervener in the case, having withdrawn its answer, 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.*