

into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Warren Jenkinson Co., St. Louis. All bean vanilla. Guaranteed Pure Vanilla Extract. It is especially recommended for ice cream makers and bakers, as it does not bake out or freeze out. Directions one and one-half ounces to ten gallon freezer of ice cream. Guaranteed by the Manufacturers under the Food and Drugs Act of June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that a dilute extract of vanilla had been mixed and packed with the product and substituted for it so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on said marks, brands, and labels on said keg as to the ingredients and substances contained therein purporting to be pure vanilla extract were false and misleading, in that, in truth and in fact, the said product purporting to be a pure vanilla extract was not a pure vanilla extract but that a dilute extract of vanilla had been mixed with and packed with and substituted for pure vanilla extract, and the statements contained in said marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On September 26, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal, after the removal and obliteration therefrom of all marks and brands apparent thereon, and after marking, branding, and labeling the keg as follows, to wit, "Dilute Extract of Vanilla."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3065. Adulteration and misbranding of vinegar. U. S. v. 100 Crates of Vinegar. Decree of condemnation by default. Product ordered sold. (F. & D. No. 5132. S. No. 1756.)

On April 11, 1913, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 crates, each containing 24 bottles of so-called "cane sugar vinegar," remaining unsold in the original unbroken packages and in the possession of Ed Haas, Neosho, Mo., alleging that the product had been shipped on or about October 25, 1912, by the Southern Fruit Products Co., formerly Jones Bros. & Co., Rogers, Ark., and transported from the State of Arkansas into the State of Missouri, charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Star Brand Cane Sugar Vinegar Bottled by Jones Bros. and Co. Rogers, Ark., manufacturers."

Adulteration of the product was alleged in the libel for the reason that the label thereon indicated that it was a cane sugar vinegar, whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed therewith and substituted for cane sugar vinegar, and it was further adulterated in that distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the label upon the product deceived and misled purchasers thereof into the belief that it was a cane sugar vinegar, whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar, and it was further misbranded in that it was an imitation of and offered for sale under the distinctive name of "cane sugar vinegar," whereas, in truth and in fact, it was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for genuine cane sugar vinegar, and it was further misbranded in that the label thereon was false and misleading in that the product was not a cane sugar vinegar but was a distilled vinegar and dilute acetic acid had been mixed and packed with and substituted for cane sugar vinegar.

On June 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

(It is not the view of this department that both distilled vinegar and dilute acetic acid had been mixed and packed with cane sugar vinegar, the product in question.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3066. Adulteration of confectionery. U. S. v. 37 Packages of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5133. S. No. 1758.)

On April 11, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 packages of confectionery remaining unsold in the original unbroken packages and in possession of The Alfred Vogeler Drug Co., Cincinnati, Ohio, alleging that the product had been shipped from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. Eighteen of the packages were labeled: "Compressed lozenges peppermint * * * Guaranty No. 80 Sharpe & Dohme, Baltimore." Nineteen of the packages were labeled: "Compressed lozenges wintergreen * * * Guaranty No. 80 Sharp & Dohme, Baltimore."

Adulteration of the product was alleged in the libel for the reason that it contained talc, that is to say, the confectionery in the packages labeled "peppermint" contained 8.63 per cent of talc, and the confectionery in said packages labeled "wintergreen" contained 8.33 per cent of talc.

On May 15, 1913, no claimant having appeared for the property, it was ordered by the court that the libel be taken pro confesso and that the case might be presented for final judgment at any time subsequent to 30 days from entry thereof. On June 26, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3067. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5134. S. No. 1759.)

On April 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 barrels containing a product purporting to be apple cider vinegar, remaining unsold in the original packages and in possession of Boniface, Weber & Allen, Muncie, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Reduced to not less than 4 per cent acidity. Imperial Brand Fermented Apple Cider Vinegar. Manufactured by the Leroux Vinegar Co., Toledo, Ohio."

Adulteration of the product was alleged in the libel for the reason that the barrels contained a product purporting to be apple cider vinegar for which distilled vinegar and dilute acetic acid, and a substance high in reducing sugar with added mineral matter and added glycerin, had been mixed and packed with said article purporting to be apple cider vinegar and substituted for apple cider vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the brands and labels on the barrels as to the ingredients and substance contained therein were false and misleading, in that, in truth and in fact, the