

son Preserving Co., Kansas City, Mo.—Guaranteed by the Levison Preserving Co. under the Food and Drugs Act, June 30, 06.”

Adulteration of the products was alleged in the libels for the reason that they were not cider vinegar and sugar vinegar, respectively, but were adulterated in that said products consisted in whole or in part of distilled vinegar or dilute acetic acid which had been mixed and packed with and substituted for the pure products in such a manner as to reduce or lower or injuriously affect their quality and strength. Misbranding was alleged for the reason that to each case and each bottle was attached a brand or label in the words and figures set forth above, respectively, and that said labels were misleading and false and calculated to induce the purchaser to believe that said so-called cider vinegar and said so-called sugar vinegar were pure, when, in truth and in fact, the same were adulterated as hereinbefore set forth, and that by reason of said false and misleading brands or labels said cases and bottles contained therein and the products therein were subject to seizure and confiscation.

On January 12, 1914, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered and it was ordered by the court that the products should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3361. Adulteration and misbranding of oil of birch. U. S. v. 2 Packages of Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5405. I. S. No. 140-h. S. No. 1994.)

On November 6, 1913, the United States attorney for the Southern District of New York, 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 2 packages, containing approximately 118 pounds, of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 1, 1913, and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label except the name and address of the consignee and express data, but was invoiced by the shipper as birch oil.

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when, in fact, said product consisted largely of methyl salicylate, which was substituted for the pure oil. Misbranding was alleged for the reason that said product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, the said product consisted largely of methyl salicylate, which was substituted for the pure oil.

On January 6, 1914, 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 destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3362. Adulteration of tomato catsup and purée. U. S. v. 16 Barrels, 6 Half Barrels, 12 Quarter Barrels, 2 Kegs, and 28 Cases of Adulterated Catsup, and 15 Cases of Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5438. I. S. Nos. 3025-h, 3026-h. S. No. 2018.)

On November 19, 1913, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on November 20, 1913, an

amended libel, for the seizure and condemnation of 16 barrels, 6 half barrels, 12 quarter barrels, 2 kegs, and 28 cases, each of said cases containing 12 1-gallon cans of adulterated catsup, and 15 cases, each containing 12 1-gallon cans of adulterated purée, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on or about November 14, 1913, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The catsup was labeled: "Tomato Catsup—Contains 3/10 of 1% Benzoate of Soda." The purée was not labeled.

Adulteration of the product was alleged in the amended libel for the reason that said catsup and said purée consisted in whole or in part of filthy, decomposed, and [or] putrid vegetable substance.

On February 26, 1914, 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 dealt with or destroyed in conformity with the instructions of the Secretary of Agriculture and usual in such cases.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3363. Adulteration and misbranding of concentrated milk. U. S. v. M. & O. Milk Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5445. I. S. Nos. 186-e, 187-e, 188-e, 189-e, 190-e.)

On February 17, 1914, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. & O. Milk Co., a corporation, Waterloo, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 30, 1912, from the State of Illinois into the State of Missouri, of a quantity of so-called concentrated milk which was adulterated and misbranded. The product was labeled: (On tops and necks of cans) "M. & O. Milk Co., Waterloo, Ill." (On tags attached to cans) "Full Cream Concentrated Milk. From M. & O. Milk Co. Waterloo, Illinois. For M. & O. Milk Co. 2338 Olive St. St. Louis, Mo. No. Cans. No. Gals. Date Oct. 29, 1912."

Microscopical examination of samples of the product by the Bureau of Chemistry of this department showed the five samples examined to be identical in appearance. In each case the fat globules were very small, usually running about 0.001 mm. in diameter, a few ranging up to 0.005 mm. in diameter. These results indicated that the product had been passed through a homogenizer.

Adulteration of the product was alleged in the information for the reason that other substances, namely, dried skimmed milk, water, and butter oil, had been substituted in part for full-cream concentrated milk. Misbranding was alleged for the reason that the statement "Full Cream Concentrated Milk," borne on said labels attached to the cans in which said article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, the contents of the cans were not full-cream concentrated milk, as represented by said statement, but said cans in fact contained a mixture composed in part of dried skimmed milk, water, and butter oil; and, further, in that said article was labeled and branded so as to mislead and deceive the purchaser thereof into the belief that it was full-cream concentrated milk, whereas, in truth and in fact, said article was not full-cream concentrated milk, but was a mixture in part of dried skimmed milk, water, and butter oil.

On April 8, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*