

that the product had been shipped on or about December 5, 1913, by the Monarch Vinegar Works, Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Distributed by the B. C. Twenhofel Mfg. Co., Kansas City, Kansas. Pure Apple Cider Vinegar, generator run, 50 gallons."

Adulteration of the product was alleged in the libel for the reason that said product 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 product in such a manner as to reduce or injuriously affect its quality and strength. It was alleged in the libel that the product was misbranded for the reason that to each of said barrels there was attached a brand or label in words and figures as follows, to wit: "Distributed by the B. C. Twenhofel Mfg. Co., Kansas City, Kansas. Pure Apple Cider Vinegar, generator run, 50 gallons," which said label was misleading and false and calculated to induce the purchaser to believe that said so-called apple cider vinegar was pure, when in truth and in fact the same was adulterated as hereinbefore set forth, and that by reason of said false and misleading brand or label said barrels and the product therein were subject to seizure and confiscation under section 10 of the Food and Drugs Act as aforesaid.

On April 15, 1914, 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. On May 11, 1914, the case having come on for final hearing, it appearing that the said Monarch Vinegar Works, Kansas City, Mo., claimant, had executed a good and sufficient bond in the sum of \$250, in conformity with section 10 of the act, and that all the costs of the proceedings had been paid, it was ordered by the court that the product should be released to said claimant.

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

WASHINGTON, D. C., *September 28, 1914.*

**3466. Adulteration and misbranding of brandy. U. S. v. 9 Cases of Brandy, So Called. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5621. I. S. No. 3385-h. S. No. E-4.)**

On March 11, 1914, the United States attorney for the District of Connecticut, 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 9 cases, each containing 12 bottles of so-called brandy, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the product had been shipped on or about November 12, 1913, by the A. De Claremont Co. (Inc.), New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled: "Superior quality A. De Claremont Company, type Brandy in case 1 doz. 5's, 84274, 11-13-13." The bottles were labeled: "Cognac Type Brandy. A. De Claremont Company, New York, Guaranteed Under the Pure Food and Drugs Act, June 30, 1906. Serial number 2257. Unexcelled for Purity and Mellowness, one of our many products, compounded and bottled in New York, and guaranteed by A. De Claremont Company, under the Pure Food and Drugs Act of June 30th, 1906, serial number 2257. 1/5 Gallon."

Adulteration of the product was alleged in the libel for the reason that the article was not a brandy of the cognac type, but that an imitation brandy artificially colored had been substituted in whole or in part, and had been mixed and packed with the brandy in such a manner as to reduce or lower the quality and strength of the product. Misbranding was alleged for the reason that the labels on the retail packages or bottles stated that the containers held "1/5 gallon," whereas in truth and in fact the contents only measured 648 cubic centimeters, that is to say, 14.4 per cent short of the declared volume, and, further, in that the labels on such retail packages or bottles

bore certain statements, designs, and devices regarding said brandy, so called, which were false and misleading in that the product was declared to be "Cognac Type Brandy," when in truth and in fact the product was an imitation brandy, artificially colored, which had been substituted for and mixed with the article in such a manner as to reduce its quality and strength; and the said labels also bore pictorial representations of clusters of grapes designed and intended to indicate the article to be grape brandy, when in truth and in fact an imitation brandy artificially colored had been substituted therefor.

On April 17, 1914, the said A. De Claremont Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceeding and the execution of bond in the sum of \$100, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *September 28, 1914.*

**3467. Adulteration of canned sweet potatoes. U. S. v. 596 Cases of Canned Sweet Potatoes. Consent decree of condemnation, forfeiture, and destruction, as to 184 cases and 7 cans; 408 cases and 17 cans released to claimants. (F. & D. No. 5625. I. S. No. 8836-h, 8837-h, 8838-h. S. No. C-10.)**

On March 14, 1914, the United States attorney for the Western District of Oklahoma, 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 596 cases, each containing 24 cans of sweet potatoes, remaining unsold in the original unbroken packages at Shawnee, Okla., alleging that the product has been shipped on or about January 22, 1914, and transported from the State of Nebraska into the State of Oklahoma and charging adulteration in violation of the Food and Drugs Act. Seventy-three [173] cases and the cans therein were labeled: "North Hampton Brand Sweet Potatoes Guaranteed by Chandler & Ballard Company under the Food and Drugs Act, June 30, 1906, Serial No. 20066, Net Weight 34 oz., Packed by Chandler & Ballard Company, Exmore, Va. Golden Yellow Virginia Sweets, packed especially for fine family trade." Three hundred and thirty cases and the cans therein were labeled: "Indian Pride Brand Sweet Potatoes. Contents 1 lb. 15 oz. Guaranteed by Chandler & Ballard Company under the Food and Drugs Act, June 30, 1906. Serial No. 20066, packed by Chandler & Ballard Company, Exmore, Va. (Design sweet potatoes and Indian canoe scene.)" Ninety-three cases and the cans therein were labeled: "Annex Brand Sweet Potatoes. Guaranteed by Chandler & Ballard Company under the Food and Drugs Act, June 30, 1906, Serial No. 20066, Extra Standard Quality, packed by Chandler & Ballard Company, Exmore, Va. Contents 1 lb. 12 oz."

Adulteration of the product was alleged in the libel for the reason that the cans contained sweet potatoes which consisted in part of a filthy, decomposed, and [or] putrid vegetable substance and unfit for use.

On April 18, 1914, the Chandler & Ballard Co., a corporation, Exmore, Va., claimant, having appeared as owner of the goods and having by stipulation agreed as to what the facts were in the case, upon said agreement and stipulation in open court submitted, the court found that 184 cases and 7 cans of the goods were adulterated and decreed that they should be condemned and forfeited and destroyed by the United States marshal. It was further found by the court that the remaining 408 cases and 17 cans of sweet potatoes did not consist of filthy, decomposed, and putrid vegetable substance, but were in good condition and fit for consumption and use and ordered that said 408 cases and 17 cans found to be not adulterated be released to said claimant upon payment of the costs of the proceedings.

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

WASHINGTON, D. C., *September 28, 1914.*