

an article labeled in part, "Burgie Vinegar Co. Gold \$ Dollar Brand, Pure Apple Cider Vinegar," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	0.25
Glycerol (grams per 100 cc.)-----	0.09
Solids (grams per 100 cc.)-----	0.83
Nonsugar solids (grams per 100 cc.)-----	0.51
Reducing sugar as invert after evaporation (grams per 100 cc.)-----	0.32
Ash (grams per 100 cc.)-----	0.10
Acidity as acetic (grams per 100 cc.)-----	4.12

This analysis shows addition of distilled vinegar or dilute acetic acid.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for pure apple cider vinegar reduced to 4 per cent acetic strength, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pure apple cider vinegar, reduced to 4 per cent acetic strength," borne on the label on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was pure apple cider vinegar reduced to 4 per cent acetic strength, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar reduced to 4 per cent acetic strength, whereas, in fact and in truth, it was not, but was a product composed in part of either distilled vinegar or dilute acetic acid.

On February 3, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

J. R. Riggs, *Acting Secretary of Agriculture.*

**6740. Adulteration and misbranding of olive oil. U. S. \* \* \* v. 6 Cases and 2 Cans of Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9101. I. S. No. 2954-p. S. No. E-1059.)**

On June 28, 1918, the United States attorney for the Eastern District of Pennsylvania, 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 six cases, each containing twelve 1-gallon cans and two separate 1-gallon cans of alleged olive oil, consigned by Emilio Di Bianco, New York, N. Y., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1918, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of cottonseed oil.

It was alleged in substance in the libel that the statement, to wit, "1 Gall. Net," represented to the purchaser that the package contained one gallon net, when, in truth and in fact, it did not contain one gallon net; and for the further reason that it was invoiced and represented by the shipper to be olive oil, not of the first quality, but a second-grade Spanish oil, when, in fact, it consisted wholly or in part of cottonseed oil.

On August 14, 1918, E. Quiriglia, Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6741. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 200 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9102. I. S. No. 11923-p. S. No. C-918.)**

On June 26, 1918, the United States attorney for the Eastern 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 200 cases, each containing 6 cans of alleged evaporated milk, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about June 8, 1918, by the Aviston Condensed Milk Co., Aviston, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Purity Brand Evaporated Milk," and "Our Best Brand Evaporated Milk \* \* \* Net Weight 8 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, partially evaporated milk, 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 evaporated milk.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that the statement borne on the label, to wit, "Evaporated Milk," was false and misleading in that it purported to be a product known as evaporated milk when, in truth and in fact, the cans contained evaporated milk mixed with partially evaporated milk. Misbranding of the portion of the article labeled "Purity Brand" was alleged for the further reason that it was food in package form, and the statement of the net weight or measure of the contents was not plainly and conspicuously marked thereon. Misbranding of the portion of the article labeled "Our Best Brand Evaporated Milk" was alleged for the further reason that it was food in package form and was labeled as containing 8 pounds of evaporated milk, when, in truth and in fact, the cans did not contain 8 pounds of evaporated milk.

On September 11, 1918, the said Aviston Condensed Milk Co., claimant, having filed its answer and claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6742. Misbranding of marshmallows. U. S. \* \* \* v. Wiley's, a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 9103. I. S. Nos. 1732-p, 2867-p.)**

On November 22, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wiley's, a corporation, Atlanta, Ga., alleging shipment by said company, in