

9327. Adulteration of coal-tar color. U. S. * * * v. 1 $\frac{3}{4}$ Pounds of Coal-Tar Color * * *.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14664.
I. S. No. 8288-t. S. No. E-3201.)

On March 19, 1921, the United States attorney for the District of Maryland, 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 1 $\frac{3}{4}$ pounds of coal-tar color, consigned on or about February 28, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 lb. Net W. B. Wood Mfg. Co., St. Louis, Mo. Complies with all requirements quality—color Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that said article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On April 21, 1921, 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.

E. D. BALL, *Acting Secretary of Agriculture.*

9328. Adulteration and misbranding of vinegar. U. S. * * * v. 446 Cases * * * and 600 Cases * * * of Cider Vinegar. Decrees of condemnation and forfeiture.
Product released under bond. (F. & D. Nos. 14284, 14290. I. S. Nos. 5246-t, 5024-t. S. Nos. E-3081, E-3123.)

On February 5 and 14, 1921, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information for the seizure and condemnation of 446 cases and 600 cases, more or less, of cider vinegar, so called, remaining in the original unbroken packages at Somerville and Springfield, Mass., respectively, consigned by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., on or about July 12 and August 7, 1920, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Steuben Brand Reduced Cider Vinegar Fermented * * * Net Contents One Pint" (pictorial representation of a red apple), or "Steuben Brand Reduced Cider Vinegar Fermented Made From Apples * * * Net Contents One Pint" (pictorial representation of a red apple) (in smaller type) "Reduced to 4% Acetic Acid," "Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

Adulteration of the article was alleged in the libels of information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for pure cider vinegar, which the article purported to be. Adulteration was alleged for the further reason that distilled vinegar had been mixed with said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the foregoing statements appearing on the bottles containing the article, regarding the article and the ingredients contained therein, were false and misleading in that they represented to the purchaser thereof that the said article was pure cider vinegar, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a product composed in

part of distilled vinegar prepared in imitation of pure cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar. Misbranding was alleged in substance for the further reason that the article was food 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 correct in that said contents were stated as 1 pint, whereas, in truth and in fact, the contents were less than 1 pint. Misbranding was alleged with respect to a portion of the product for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar reduced to 4 per cent acetic acid strength, whereas, in truth and in fact, it was not pure cider vinegar, but was a product composed in part of distilled vinegar and contained a higher average of acidity than 4 per cent, and for the further reason that the article was food in package form, and bore the aforesaid statements and representation of an apple, which were false and misleading to purchasers thereof in that they misled said purchasers into the belief that the contents of said packages were pure cider vinegar made from apples.

On April 15, 1921, the Naas Cider & Vinegar Co., a corporation, Cohocton, Steuben County, N. Y., having entered an appearance as claimant for the property and having executed a good and sufficient bond in conformity with section 10 of the act, judgments were entered finding the product to be adulterated and misbranded as set forth in the libels of information and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

9329. Adulteration of coal-tar color. U. S. * * * v. 5 * * * Cans * * *, 3 * * * Cans * * *, and 1 Can ' * * of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14669, 14670, 14685. I. S. Nos. 3686-t, 3687-t, 3688-t, 3689-t, 2337-t, 2338-t, 7867-t. S. Nos. E-3190, E-3203, E-3207.)

On March 24 and 30, 1921, 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 libels for the seizure and condemnation of 5 cans, 3 cans, and 1 can, more or less, of coal-tar color, remaining in the original unbroken packages at Minersville, Philadelphia, and Bethlehem, Pa., respectively, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 1 and 3, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co., St. Louis, Mo. Complies with all requirements Quality Color Contents Red" (or "Green" or "Yellow").

Adulteration of the article was alleged in the libels for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might render said article injurious to health.

On April 18, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9330. Misbranding of cottonseed meal. U. S. * * * v. 275 Sacks * * * of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 594-c. I. S. No. 13492-t.)

On or about November 29, 1920, the United States attorney for the District of Kansas, acting upon a report from the Agricultural College at Manhattan, Kans.,