

possessed the curative and therapeutic qualities claimed for it, whereas, in truth and in fact, it did not.

On June 11, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9867. Adulteration and misbranding of vinegar. U. S. * * * v. 20 Barrels, 18 Barrels, and 3 Barrels * * * of Cider Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14294, 14295, 14296. I. S. No. 5163-t. S. No. E-3196.)

On March 24, 1921, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 barrels, 18 barrels, and 3 barrels, more or less, of cider vinegar, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by J. C. Vosburgh, Palatine Bridge, N. Y., on or about October 28, 1920, 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.

Adulteration of the article was alleged in the libels for the reason that substances, to wit, apple waste vinegar and 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 the said substances, to wit, apple waste vinegar and distilled vinegar, had been mixed therewith in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement stenciled on the barrels containing the said article, regarding the article and the ingredients contained therein, to wit, "New York State Pure Cider Vinegar," was false and misleading in that the said statement represented to the purchaser thereof that the article was pure cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the article was pure cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar, but was a product composed in part of apple waste vinegar and distilled vinegar. Misbranding was alleged for the further reason that the article was a product composed in part of apple waste vinegar and 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, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 12, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9868. Adulteration and misbranding of vinegar. U. S. * * * v. 35 Cases, 21 Cases, and 15 Cases of Vinegar. Default decrees of condemnation, forfeiture, and sale or destruction. (F. & D. Nos. 14410, 14411, 14412. I. S. Nos. 6359-t, 6488-t, 6360-t. S. Nos. E-3106, E-3107, E-3108.)

On February 7, 1921, 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 libels for the seizure and condemnation of 35 cases, 21 cases, and 15 cases of vinegar, remaining in the original unbroken packages at Waterbury, New Britain, and New Haven, Conn., respectively, alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., in part August 10 and in part September 20, 1920, 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, as amended. The article was labeled in part, (bottle) "Steuben Brand Reduced To 4% Acetic Acid * * * Made From Apples * * * Net Contents One Pint. Reduced Cider Vinegar Fermented Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the said cases and bottles bore certain statements, words, and devices regarding the article, to wit, "Cider Vinegar Fermented Made From Apples * * * Net Contents One Pint," together with a design showing a red apple, which were false and misleading, and which were of such a character as to induce the purchaser to believe that the article was cider vinegar, whereas, in truth and in fact, it was not, but was a product deficient in cider vinegar and containing distilled vinegar. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously stated in terms of weight or measure on the outside of the package, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On April 14, 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 or sold by the marshal if such sale could be speedily effected.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9869. Adulteration and misbranding of prepared mustard. U. S. * * * v. 101 Cases * * * of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14621. I. S. Nos. 1103-t, 1104-t, 1105-t. S. Nos. C-2865, C-2866.)

On March 15, 1921, the United States attorney for the District of Kansas, 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 101 cases, more or less, of prepared mustard, remaining unsold in the original unbroken packages at Atchison, Kans., alleging that the article had been shipped in part by the Evans Rich Mfg. Co., St. Louis, Mo., November 12, 1920, and in part by the Bayle Food Products Co., St. Louis, Mo., July 24 and August 4, 1920, respectively, 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, as amended. A portion of the article was labeled in part, (jars) "* * * Prepared Mustard Colored With Turmeric * * *." The remainder was labeled in part, (jars) "* * * Prepared mustard. Mustard Seed, Vinegar, Spices and Condiments, Colored With Turmeric * * *."

It was alleged in substance in the libel that the article was adulterated in that it contained mustard hulls, which had been packed and substituted for the pure article, and in that it had been colored in a manner to conceal inferiority.