

**9914. Adulteration and misbranding of prepared mustard. U. S. * * *
v. 12 Cases * * * of Prepared Mustard. Decree of condemna-
tion, forfeiture, and destruction. (F. & D. No. 14857. I. S. No. 3382-t.
S. No. C-3053.)**

On May 10, 1921, the United States attorney for the District of Nebraska, 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 12 cases, more or less, of prepared mustard, remaining in the original unbroken packages at Omaha, Nebr., alleging that the article had been shipped by the Bayle Food Products Co., St. Louis, Mo., on or about September 29, 1920, and transported from the State of Missouri into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tumblers) "Ak-Sar-Ben Brand Old English Style Prepared Mustard * * * Springer Products Co. Omaha."

Adulteration of the article was alleged in the libel for the reason that mustard hulls had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that it was mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements on the label, "Prepared Mustard * * * Mustard Seed, Vinegar, Salt & Spices Colored and flavored with Turmeric," which statements did not include "Mustard Hulls," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reasons that the article was an imitation of, and was offered for sale under the distinctive name of, another article and that the statement on the label of the name of the manufacturer and place where manufactured was not correct.

On June 21, 1921, the case having come on for final disposition and the court having found the product to be adulterated and misbranded as alleged in the libel, 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.*

**9915. Adulteration and misbranding of grape juice. U. S. * * * v. 9
Cases of * * * Concord Grape Juice. Default decree of con-
demnation, forfeiture, and destruction. (F. & D. No. 14896. I. S. Nos.
10646-t, 10647-t. S. No. W-915.)**

On May 20, 1921, the United States attorney for the Eastern District of Washington, 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 of Uva Brand Concord grape juice, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Uva Grape Products Co., Fresno, Calif., alleging that the article had been shipped on or about March 24, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "California Concord Grape Juice Net Contents 24 Oz. Unfermented Uva Brand Distributors Uva Grape Products Co. Fresno, California. Manufactured by G. Maselli, Fresno, California."

Adulteration of the article was alleged in substance in the libel for the reason that a grape juice containing artificial flavor and added phosphoric acid had been substituted wholly or in part for Concord grape juice.

Misbranding was alleged in substance for the reason that the labeling on the said bottles, "Concord Grape Juice." and the design of clusters and leaves of grapes were false and misleading and deceived and misled the purchaser, and for

the further reason that the contents of the said bottles were offered for sale under the name of another article. Misbranding was alleged for the further reason that the said 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 said statement was not made in terms of measure as required by regulation of this department.

On June 30, 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.*

9916. Misbranding of middlings. U. S. * * * v. Dallas W. Dietrich, Elmer W. Dietrich, and Harry D. Dietrich (D. W. Dietrich & Co.). Pleas of nolo contendere. Fine, \$25. (F. & D. No. 14899. I. S. No. 16725-r.)

On June 13, 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 an information against Dallas W. Dietrich, Elmer W. Dietrich, and Harry D. Dietrich, co-partners, trading as D. W. Dietrich & Co., Leesport, Pa., alleging shipment by said defendants, under the name of Schuylkill Flour Mills, on or about February 14, 1920, in violation of the Food and Drugs Act, as amended, from the State of Pennsylvania into the State of Maryland, of a quantity of an article invoiced as middlings, which was misbranded.

Misbranding of the article was alleged in the information for the 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 June 13, 1921, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25.

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

9917. Adulteration and misbranding of olive oil. U. S. * * * v. 19 Cans * * *, 7 Cans * * *, and 34 Cans * * * of Pure Olive Oil, So Called. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15007. I. S. Nos. 6412-t, 6413-t, 6414-t. S. No. E-3368.)

On June 2, 1921, the United States attorney for the District of New Jersey, 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 19 cans, $\frac{1}{2}$ gallon size, 7 cans, 1 gallon size, and 34 cans, 1 quart size, of pure olive oil, so called, remaining in the original unbroken packages at Elizabeth, N. J., alleging that the article had been shipped by Yohalem & Diamond, importers and packers, New York, N. Y., on or about April 21, 1921, and transported from the State of New York into the State of New Jersey, 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 a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure olive oil, which the said article purported to be. Adulteration was alleged for the further reason that cottonseed oil had been mixed with the said article in a manner whereby its damage and inferiority to pure olive oil were concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, " * * * Pure Olive Oil * * * Olio Puro D'Oliva * * *