

10584. Misbranding of alimentary paste. U. S. * * * v. 24 Cases of Alimentary Paste. Default decree ordering destruction of the product. (F. & D. No. 15039. I. S. No. 10881-t. S. No. W-975.)

On or about July 6, 1921, the United States attorney for the District of Nevada, 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 24 cases of alimentary paste, at Reno, Nev., alleging that the article had been shipped by the Columbus Mercantile Co., San Francisco, Calif., on or about March 28, 1921, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Quality Columbus Flour Macaroni * * *."

Misbranding of the article was alleged in substance in the libel 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 each case, in that the quantity stated thereon was not the correct amount contained in said cases.

On November 20, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

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

10585. Adulteration and misbranding of oranges. U. S. * * * v. 396 Boxes of Oranges * * *. Decree ordering release of the product under bond, to be reconditioned. (F. & D. No. 15783. I. S. No. 11249-t. S. No. W-1056.)

On March 17, 1922, the United States attorney for the Western 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 396 boxes of oranges, at Seattle, Wash., alleging that the article had been shipped by the Fred R. Bright Co., from Los Angeles, Calif., on or about March 6, 1922, 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: "Net Count 216 Pine Rock Brand C. C. A. Packing Co., Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the 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.

On March 20, 1922, the Fred R. Bright Co., Los Angeles, Calif., claimant, having agreed to recondition the product under the supervision of this department and to pay the costs of the proceedings, and having filed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be delivered to the said claimant.

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

10586. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Decree entered ordering release of product under bond and providing, by consent of claimant, for condemnation and destruction of portion unfit for food. (F. & D. No. 15972. I. S. No. 4342-t. S. No. C-3427.)

On February 6, 1922, 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 462 boxes of oranges, consigned January 22, 1922, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Fay Fruit Co., from Upland, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Fox Brand Trade Mark * * * Associated Orange Distributors, California." The remainder of the article was labeled in part: "Trophy Brand Trade Mark * * * Fay Fruit Co., California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1922, the Fay Fruit Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree for

the condemnation and destruction of the portion of the product unfit for food, judgment of the court was entered ordering the release of the said product to the claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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

10587. Adulteration of vinegar. U. S. * * * v. National Vinegar Co., a Corporation. Pleas of guilty. Fines, \$75 and costs. (F. & D. Nos. 15987, 15988. I. S. Nos. 1347-t, 2325-t, 3204-t.)

On May 4, 1922, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the National Vinegar Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 28, 1920, from the State of Missouri into the State of Arkansas, of a quantity of sugar and distilled vinegar, and on or about August 28 and September 27, 1920, respectively, from the State of Missouri into the State of Illinois, of quantities of cider vinegar, all of which were adulterated. The articles were labeled in part, respectively: "Golden West Brand * * * Sugar & Distilled Vinegar * * *"; "* * * Cider Vinegar * * * Made In St. Louis"; and "* * * Owl Brand 47 Cider Vinegar * * *."

Analysis of a sample of the Golden West brand by the Bureau of Chemistry of this department showed that it was a mixture of colored distilled vinegar and commercial acetic acid. Analyses of samples of the so-called cider vinegar by said bureau showed that the portion consigned September 27, 1920, was a mixture of distilled vinegar and still residue and that the portion consigned August 28, 1920, was not a straight cider vinegar.

Adulteration of the articles was alleged in substance in the informations for the reason that a mixture composed of distilled vinegar and commercial acetic acid, artificially colored, or a mixture of distilled vinegar and still residue, or a vinegar or vinegars other than cider vinegar, as the case might be, had been mixed and packed with the respective articles so as to lower and reduce and injuriously affect their quality and had been substituted in part for sugar and distilled vinegar, or for cider vinegar, as the case might be, which the said articles purported to be. Adulteration was alleged with respect to the so-called "Sugar and Distilled Vinegar" for the further reason that it was a product inferior to sugar and distilled vinegar, to wit, a mixture of distilled vinegar and commercial acetic acid, and was artificially colored so as to simulate the appearance of sugar and distilled vinegar, and in a manner whereby its inferiority to sugar and distilled vinegar was concealed.

On June 22, 1922, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$75, together with the costs.

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

10588. Adulteration of canned lobster. U. S. * * * v. 50 Cases of * * * Cape Spiney Lobster. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16056. I. S. No. 12526-t. S. No. W-1046.)

On or about February 21, 1922, the United States attorney for the District of Oregon, 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 50 cases of Cape Spiney lobster, remaining in the original unbroken packages at Newberg, Oreg., alleging that the article had been shipped by Stephen Lord & Co., Ltd., from Cape Town, South Africa, July 28, 1920, and introduced from a foreign country into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Spiney Capetown Lobster * * * Stephen Bros. Packers."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 8, 1922, 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.*