

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 10801-10850.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 8, 1922.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

10801. Misbranding of Pratt's conditioner. U. S. v. 6 Packages of Pratt's Conditioner. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 14833. S. No. E-3304.)

On April 27, 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 a libel for the seizure and condemnation of 6 packages of Pratt's conditioner, remaining unsold in the original unbroken packages at Sandy Hook, Conn., alleging that the article had been shipped on or about May 25, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ground plant material, including oats, wheat, weed seeds, traces of ginger, caraway, fenugreek, and nux vomica, and inorganic material, including salt, Epsom salt, Glauber's salt, and copperas.

Misbranding of the article was alleged in substance in the libel for the reason that the labels upon the packages of the same bore certain statements, designs, words, and devices regarding the curative and therapeutic effects of said article, as follows, "* * * * aids in the prevention of Hog Cholera * * * Assists in preventing sinking of Calves * * * insure healthy foal in mares, and make stallions' service sure * * * make the bulls' service sure * * * For Hog Cholera.—In cases of hog cholera or any other sickness * * *," which statements, designs, devices, and words were intended to be of such a character as to induce the purchaser to believe that the article was a conditioner, when, in truth and in fact, it was not.

On September 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, with the proviso, however, that in case said marshal was able to effect a speedy sale at private sale he should do so.

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

10802. Adulteration and misbranding of vinegar. U. S. v. 67 Cases, 20 Cases, and 106 Cases of Vinegar. Default decrees of condemnation and forfeiture. Product ordered destroyed or sold. (F. & D. Nos. 14959, 14960, 14961. I. S. Nos. 5071-t, 5068-t, 5069-t. S. Nos. E-3326, E-3369.)

On May 28, 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 67 cases, 20 cases, and 106 cases of vinegar, remaining unsold in the original unbroken packages at Hartford and New London, Conn., alleging that the article had been shipped on or about May 24, June 19, July 15, September 22, and May 18, 1920, by the Naas Cider & Vinegar Co., Cohocton, N. Y., 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. The article was labeled in part: "Steuben Brand Reduced to 4% Acetic Acid * * * reduced Cider Vinegar fermented * * * Made from Apples * * * Net Contents One Pint * * * Naas Cider & Vinegar Co., Inc. Cohocton, N. Y."

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

Misbranding of the article was alleged for the reason that the labeling upon the cases containing it bore certain statements, designs, words, and devices as follows, "Cider Vinegar fermented Made from Apples Net Contents One Pint" (design showing red apple), which statements, designs, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the said article was an imitation of and was offered for sale under the distinctive name of another article, to wit, 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 September 30, 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, with the proviso that in case the said marshal was able to effect a speedy sale of the article at private sale he should do so.

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

10803. Adulteration and misbranding of table oil. U. S. v. 2 Cases, et al, of Table Oil. Default decrees of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 14983, 15382. I. S. Nos. 6617-t, 5495-t, 5496-t, 5497-t. S. Nos. E-3374, E-3573.)

On June 7 and September 2, 1921, respectively, 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 labels for the seizure and condemnation of 2 cases, each containing 10 gallon cans and 8 gallon cans, of table oil, and 15 gallon cans, 20 half-gallon cans, and 40 quart cans of table oil, remaining unsold in the original unbroken packages, in part at Waterbury and in part at Hartford, Conn., alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., in part May 10, 1921, and in part June 27, 1921, 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.

Adulteration of the article was alleged in substance in the labels for the reason that 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 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 in substance for the reason that the labels of the gallon and half-gallon cans containing the article bore certain statements, to wit, "Finest Quality Table Oil Tipo Termini Imerese 1 Gal. Net" (or " $\frac{1}{2}$ -Gal. Net") and a scene showing olive pickers, and the labels of the quart cans containing the article bore certain statements, to wit, "Finest Quality Table Oil Insuperabile Termini Imerese Type Net Contents One Quart," which said statements, designs, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, table oil, 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 packages. Misbranding was alleged with respect to a portion of the article for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States.