

Misbranding was alleged for the reason that the statement borne on the label and on the packages containing the article, regarding the said article and the contents of said packages, to wit, "Morris Supreme Creamery Butter Four Quarters One Pound Net Weight," was false and misleading and deceived and misled the purchaser. 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 marked on the outside of the said package.

On September 2, 1922, the Mississippi Creameries Co., Tupelo, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that it be remade into butter of legal composition.

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

11296. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels, 17 Half-Barrels, et al., of Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16904, 16922, 17025, 17026, 17027. I. S. Nos. 1638-v, 1656-v, 1708-v. S. Nos. E-4208, E-4215, E-4240.)

On November 6, November 13, and December 12, 1922, respectively, 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 of information praying the seizure and condemnation of 59 barrels, 17 half barrels, and 10 cases of vinegar, in part at Boston and in part at Worcester, Mass., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., between the dates of September 7 and November 9, 1922, 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. Two of the shipments were labeled in part: "Pure Cider Vinegar Made From Apples Reduced to 4% * * * Man'd by The Powell Corp. Canandaigua N. Y." The other shipment was labeled in part: "C. C. V. Brand M'D By Canandaigua Products Corp. * * * Canandaigua, N. Y. Reduced Cider Vinegar Made From Apples."

Adulteration of the article was alleged in the libels for the reason that substances, to wit, distilled vinegar or distilled vinegar and evaporated apple-products vinegar, as the case might be, 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 cider vinegar, apple cider vinegar, or pure cider vinegar made from apples, as the case might be, which the respective articles purported to be.

Misbranding was alleged for the reason that the respective statements borne on the bottles and barrels containing the article, to wit, "Cider Vinegar Made From Apples" or "Pure Cider Vinegar Made From Apples," were false and misleading in that the said statements represented that the article was pure cider vinegar made from apples, or apple cider vinegar, as the case might be, and 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 made from apples, or apple cider vinegar, as the case might be, whereas, in truth and in fact, it was not pure cider vinegar made from apples, or apple cider vinegar, as the case might be, but was a product composed in whole or in part of distilled vinegar, or distilled vinegar and evaporated apple-products vinegar. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 24, 1923, 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. The product was delivered by the marshal to public institutions.

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

11297. Adulteration of shell eggs. U. S. v. Roy Endicott. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16931. I. S. No. 2048-t.)

On February 2, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against