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'f'd by The Powell Corp. Canandaigua N. Y." The other shipment was labeled in part: "C. C. V. Brand M'F'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

Roy Endicott, Newkirk, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 21, 1922, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the four cases involved in the consignment showed that 116, or 8 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

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

On February 9, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

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

11298. Adulteration and misbranding of canned peas. U. S. v. 23 Cases of Peas. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 17019. I. S. No. 224–v. S. No. E–4239.)

On December 8, 1922, the United States attorney for the Southern District of New York, 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 23 cases of peas, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. H. Killian Co., Baltimore, Md., on or about October 11, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eden Brand Early June Peas Prepared From Ripe Peas Packed By W. H. Killian Co. Baltimore Md."

Adulteration of the article was alleged in the libel for the reason that a substance, soaked ripe peas, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Early June Peas," together with the design showing a dish of green peas, was false and misleading and deceived and misled the purchaser. 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 27, 1923, 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 delivered to the Salvation Army, for consumption and not for sale.

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

11299. Misbranding of lemon extract and vanilla extract. U. S. v. 23 Cases of Lemon Extract, et al. Decrees for the Government. Products released under bond. (F. & D. Nos. 17178, 17189. I. S. Nos. 8148–v, 8149–v, 8479–v, 8480–v, 8481–v, 8482–v, 8483–v. S. Nos. W–1283, W–1290.

On January 18 and 22, 1923, respectively, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 23 cases and 158 cartons of lemon extract and 21 cases and 72 cartons of vanilla extract at Reno, Nev., alleging that the articles had been shipped by the Hallifax Bros. [Hallifax Bros. Co.], Sacramento, Calif., in various consignments, namely, on or about March 30 and November 30, 1918, and January 10, March 24, and August 16, 1922, respectively, 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 articles were labeled in part: (Bottle carton) "Hallifax Quality Pure Extract of Lemon" (or "Vanilla") "Net Measure 6 Oz." (or "3 Oz." or "1½ Oz.") "Manufactured by Hallifax Bros. Co., Sacramento, Calif."

Misbranding of the articles was alleged in substance in the libels for the reason that the statements that the total contents of each of the respective-sized cartons of lemon extract were 6 ounces, 3 ounces, or 1½ ounces, as the case might be, and the statements that the total contents of each of the respective-sized cartons of vanilla extract were 1½ ounces or 6 ounces, as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in