

ther reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture*

11506. Adulteration of shell eggs. U. S. v. 5 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15970. I. S. No. 6950-t. S. No. E-3755.)

On January 20, 1922, 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 praying the seizure and condemnation of 5 cases of shell eggs, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Joseph Silberman, New York, N. Y., in part on or about January 3 and in part on or about January 11, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

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

On June 11, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11507 (supplement to N. J. 11314). Alleged misbranding of olive oil. U. S. v. 30 Half-Gallon Cans of Olive Oil. Decree entered vacating decree of condemnation and forfeiture. (F. & D. No. 16085. I. S. No. 13913-t. S. No. W-1066.)

On April 30, 1923, a decree of the court was entered vacating the decree of condemnation and forfeiture entered through inadvertance and error on January 26, 1923, in the above-cited proceeding, and the case is now pending upon intervention of the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11508. Adulteration and misbranding of fruit emulsions. U. S. v. 3 1-Gallon Cans Containing, Respectively, Cherry, Raspberry, and Strawberry Emulsions, So-Called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16199. S. No. E-3899.)

On June 16, 1922, 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 praying the seizure and condemnation of 3 1-gallon cans containing, respectively, cherry, raspberry, and strawberry emulsions, alleging that the articles had been shipped by the Caro Flavoring Co., Washington, D. C., or about April 17, 1922, and transported from the District of Columbia into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Caro Flavoring Co. H. & H. Brand One Gallon Cherry Emulsion We guarantee the flavor of this Emulsion consists of 95% true fruit concentration & 5% artificial flavoring and fruit acid. * * * Factory 1530 Seventh St., N. W., Washington, D. C. Shake Well. Artificially Colored;" "Caro Flavoring Co. H. & H. Brand One Gallon Raspberry" (or "Strawberry") "Emulsion * * * Part pure & part artificial coloring & fruit acid. * * * Artificially Colored."

Adulteration of the articles was alleged in substance in the libel for the reason that a substance, to wit, an imitation fruit emulsion consisting chiefly of citric acid, gum, and glycerin, strongly colored with coal-tar dyes and flavored with synthetic esters, having practically no suggestion of the flavor of the fruit named on the respective can labels, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for cherry, raspberry, and strawberry fruit emulsions, respectively, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were mixed, colored, and stained with citric acid, gum, glycerin, coal-tar dyes, and synthetic esters in a manner whereby damage and inferiority were concealed.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Cherry Emulsion We guarantee the flavor of this Emulsion consists of 95% true fruit concentration & 5% artificial flavoring & fruit acid," "Raspberry Emulsion * * * Part pure & part artificial coloring & fruit acid," and "Strawberry Emulsion * * * Part pure & part artificial coloring & fruit acid," appearing on the respective labels of the said articles, regarding the articles, were false and misleading in that the said statements represented that the so-called cherry emulsion was an emulsion composed of cherry fruit and the juice of cherries and that 95 per cent of the flavoring consisted of true fruit concentration, that the so-called raspberry emulsion was an emulsion composed of raspberry fruit and the juice of raspberries and containing part pure and part artificial coloring and fruit acid, and that the so-called strawberry emulsion was an emulsion composed chiefly of strawberry fruit and the juice of strawberries and containing part pure and part artificial coloring and fruit acid, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the so-called cherry emulsion was composed chiefly of cherry fruit and the juice of cherries with a guaranteed flavor consisting of 95 per cent of fruit concentration, that the so-called raspberry emulsion was composed chiefly of raspberry fruit and natural coloring and acid of raspberry fruit, and that the so-called strawberry emulsion was composed chiefly of strawberry fruit and natural coloring and acid of strawberry fruit, whereas, in truth and in fact, the said articles were not cherry, raspberry, and strawberry emulsions composed chiefly of cherry, raspberry, and strawberry fruit and juice, as the case might be, the flavor of the so-called cherry emulsion did not consist of 95 per cent of true fruit concentration, and the so-called raspberry and strawberry emulsions contained little, if any, true coloring and acids of said fruits, but the said cherry emulsion was a sirupy liquid consisting principally of citric acid, gum, and glycerin, colored intensely red with coal-tar dye and having a rank odor and flavor which in no wise simulated cherry, and it contained little, if any, true fruit or juice of cherries, the so-called raspberry emulsion was a liquid containing chiefly citric acid, glycerin, and gum, colored intensely red with coal-tar dye, with a strong odor suggesting synthetic esters, and practically all the color was due to coal-tar dye, and the so-called strawberry emulsion was a liquid containing chiefly citric acid and glycerin, colored intensely red with coal-tar dye and leaving a prevailing odor like synthetic esters which in no way resembles the aroma of strawberries, and practically all the color was due to coal-tar dye. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, to wit, cherry emulsion, raspberry emulsion, and strawberry emulsion, respectively.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture*

11509. Adulteration and misbranding of vinegar. U. S. v. 18 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17000. I. S. No. 11032-v. S. No. C-2942.)

On December 1, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 barrels of vinegar, at Athens, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about September 18, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd By The Powell Corp."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further