

and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the barrels containing the article, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser thereof. 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, pure cider vinegar made from apples.

On April 24, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having consented to the entry of a decree, 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 \$500, in conformity with section 10 of the act, conditioned in part that the said product be relabeled as follows: "Cider Vinegar and Distilled Vinegar Reduced to 4% Acidity."

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

11624. Adulteration of shell eggs. U. S. v. James R. Bever. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16968. I. S. No. 5113-v.)

On February 24, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James R. Bever, Gentry, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 6, 1922, from the State of Arkansas into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. R. Bever Co. * * * Gentry, Arkansas."

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 66, or 18 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, blood rings, and moldy eggs.

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

On March 5, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

11625. Adulteration and misbranding of vinegar. U. S. v. Barney C. Bates and John D. Bates (Ozark Fruit Co.). Pleas of guilty. Fine, \$40 and costs. (F. & D. No. 17065. I. S. Nos. 1814-t, 1815-t.)

On March 2, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Barney C. Bates and John D. Bates, theretofore copartners, trading as Ozark Fruit Co., Ft. Smith, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 25, 1922, from the State of Arkansas into the State of Oklahoma, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "Eagle Brand * * * One Pint 9 Oz. Grain And Sugar Vinegar Compound Output Controlled By Ozark Fruit Company, Inc. Sales Division Little Rock. Ark. U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a caramel colored distilled vinegar, deficient in acid strength.

Adulteration of the article was alleged in the information for the reason that an artificially colored distilled vinegar, deficient in acid strength, had been substituted in whole or in part for grain and sugar vinegar compound which the said article purported to be. Adulteration was alleged for the further reason that the article was a distilled vinegar, deficient in acid strength, an article inferior to grain and sugar vinegar compound, and was artificially colored with caramel so as to simulate the appearance of and in a manner whereby its inferiority to said grain and sugar vinegar compound was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Grain And Sugar Vinegar Compound," borne on the labels attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement repre-

sented that the article was grain and sugar vinegar compound, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grain and sugar vinegar compound, whereas, in truth and in fact, it was not but was an artificially colored distilled vinegar, deficient in acid strength. Misbranding was alleged for the further reason that the article was an artificially colored distilled vinegar, deficient in acid strength, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, grain and sugar vinegar compound.

On April 30, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$40 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture*

11626. Misbranding of butter. U. S. v. Spearfish Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17128 I. S. No. 7523-v.)

On or about April 2, 1923, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Spearfish Cooperative Creamery Co., a corporation, Spearfish, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 31, 1922, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Golden Valley Butter * * * Spearfish Cooperative Creamery Co. Spearfish, S. Dakota."

Examination by the Bureau of Chemistry of this department of 100 packages of the product showed that the average net weight of the said packages was 15.12 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, regarding the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net of the said article but did contain a less amount.

On May 23, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

11627. Adulteration of canned salmon. U. S. v. 1,920 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released for reshipment and reexamination under bond. (F. & D. Nos. 17170, 17171, 17172, 17180, 17229. I. S. Nos. 189-v, 253-v, 254-v, 256-v. S. Nos. E-4268, E-4270, E-4284, E-4299.)

On January 18, January 22, and February 7, 1923, respectively, the United States attorney for the Eastern District of New York, 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 3,089 cases of canned salmon, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Warren Packing Co., from Portland, Ore., in various consignments, namely, on or about July 19, July 26, August 2, September 12, and September 19, 1922, respectively, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cases) "Bluebacks 48 8 Oz. One Half Cans." A second portion of the said article was labeled in part: (Cans) "Fresh Columbia River * * * Spring Catch Contents 8 Ounces Salmon * * * Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article was labeled in part: (Cans) "Fancy Columbia River Blue Back * * * Spring Catch Contents 8 Ounces Salmon * * * Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore."

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

On April 10, 1923, the Warren Packing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation