

or one gallon net of the said article, as the case might be, whereas, in truth and in fact, it was not olive oil but was a mixture composed in part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain one-half gallon net or one gallon net of the article, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the article was a mixture composed in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, "Olio per Insalata," that is to say, olive oil. Misbranding was alleged for the further reason that the statements, designs, and devices borne on the cans containing the article purported it to be a foreign product when not so.

Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

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

11686. Misbranding and alleged adulteration of cider vinegar. U. S. v. S Casks of Apple Cider Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17217. I. S. No. 10378-v. S. No. C-3873.)

On February 1, 1923, the United States attorney for the District of Kansas, 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 8 casks, each containing 4 dozen quart bottles of cider vinegar, at Topeka, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., on or about July 31, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Million Smiles Brand Pure Apple Cider Vinegar One Quart Springdale Vinegar Co. Springdale, Ark."

Adulteration of the article was alleged in the libel for the reason that vinegar made from boiled cider or similar material had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the said bottles, to wit, "Pure Apple Cider Vinegar," was false and misleading and calculated to deceive the purchaser, in that, in truth and in fact, the contents of the said bottles was not pure cider vinegar but was an imitation of pure cider vinegar.

On June 18, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be sold by the United States marshal and that the purchaser give a bond in the sum of \$100, conditioned in part that it be not disposed of in violation of law.

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

11687. Adulteration of shell eggs. U. S. v. Robert Nelson Stevens (Stevens Bros.). Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 17249. I. S. No. 1107-v.)

At the March, 1923, term of the United States District Court within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Robert Nelson Stevens, trading as Stevens Bros., Greeneville, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 22, 1922, from the State of Tennessee into the State of Maryland, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 112, or 7.7 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, 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 decomposed and putrid animal substance.

On April 23, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

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