

or "Pure Cider Vinegar," as the case might be, and the statements appearing on the labels of the bottles containing the article, "Net Contents 16 Fl. Oz." (or "Net Contents 20 Fl. Oz." or "Net Contents 32 Fl. Oz.") "\* \* \* Cider Vinegar Made From Apples," together with the design of a ripe red apple, were false and misleading and deceived and misled the purchaser. 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. Misbranding was alleged with respect to the bottled vinegar for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 12, 1923, no claimant having appeared for 90 barrels and 200 cases of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that said 90 barrels and 200 cases of the product be destroyed by the United States marshal. On March 26, 1923, the Powell Corp. and the Canandaigua Products Corp. having appeared as claimants for respective portions of the remainder of the product, and having admitted the allegations contained in the libels, judgments were entered ordering that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that a portion of the article be relabeled, "Cider Vinegar and Distilled Vinegar Reduced to 4% Acidity," and that the remainder thereof be relabeled, "Evaporated Apple Products Vinegar and Distilled Vinegar reduced to 4% Acidity."

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

**11764. Adulteration of chloroform. U. S. v. 600 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16588. I. S. Nos. 23429-t, 23430-t. S. No. C-3685.)**

On July 8, 1922, 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 600 cans of chloroform at Topeka, Kans., alleging that the article had been shipped from New York, N. Y., in part on or about February 24 and in part on or about March 6, 1922, and transported from the State of New York into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On October 26, 1922, 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.*

**11765. Misbranding and alleged adulteration of vinegar. U. S. v. 15 Barrels, et al., of Sugar Vinegar and 30 Barrels, et al., of Apple Cider Vinegar. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17083, 17085, 17086, 17095. I. S. Nos. 5041-v, 5042-v, 5043-v, 5044-v, 5045-v, 5173-v. S. Nos. C-3855, C-3856, C-3859, C-3860.)**

On January 5, 1923, the United States attorney for the District of Kansas, 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 19 barrels of sugar vinegar and 140 barrels of apple cider vinegar, in various lots at Parsons, Fort Scott, and Pittsburg, Kans., respectively, alleging that the articles had been shipped by the Ozark Cider & Vinegar Co., from Rogers, Ark., between the dates of July 11 and November 29, 1922, and transported from the State of Arkansas into the State of Kansas, and charging misbranding with respect to all of the said articles and adulteration with respect to a portion of the sugar vinegar, in violation of the Food and Drugs Act, as amended. The articles were labeled variously, as follows: "The Ozark Cider & Vinegar Company Salome Brand Sugar Vinegar Contents 55 Gal. Rogers, Arkansas;" "The Ozark Cider & Vinegar Company Sugar Vinegar

Contents 55 Gal.;" "Ozark Cider & Vinegar Company Ozark Brand Pure Apple Cider Vinegar Contents 55 Gal.;" "Mountain Brand Apple Cider Vinegar Contents 55 Gal. Rogers Arkansas."

Adulteration was alleged with respect to the Salome brand sugar vinegar for the reason that a substance deficient in acid strength had been substituted wholly or in part for the article so as to reduce and lower its acid strength to less than 4 grams of acetic acid per 100 cubic centimeters.

Misbranding of the articles was alleged for the reason that the statement appearing on the said barrels, to wit, "Contents 55 Gal.," was false and misleading and calculated to deceive the purchaser in that the said barrels contained less than 55 gallons of the respective products. Misbranding was alleged for the further reason that the articles were [food] in package form, and the said packages did not bear a label with the true quantity of the contents plainly and conspicuously delineated thereon.

On January 27, 1923, the Ozark Cider & Vinegar Co., Rogers, Ark., having appeared as claimant for the property and consented to the entry of decrees, judgments of the court were entered finding the products to be misbranded and ordering their condemnation, and it was further ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that they be rebranded to show the true contents and that the labels indicate that the said barrels each contained less than 55 gallons of the respective products.

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

**11766. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17295. I. S. No. 8343-v. S. No. W-1317.)**

On February 16, 1923, the United States attorney for the Western District of Washington, 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 10 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., February 4, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Order Of Sanitary Nut Shelling Co. \* \* \* Dark Amber 50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 26, 1923, no claimant having appeared for the property, judgment of condemnation 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.*

**11767. Adulteration and misbranding of canned corn. U. S. v. 168 Cases of Canned Corn. Decree entered ordering release of goods under bond to be relabeled. (F. & D. No. 17513. I. S. No. 1051-v. S No. E-4393.)**

On or about May 17, 1923, the United States attorney for the District of Maryland, 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 168 cases of canned corn, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by C. W. Baker & Sons, Middletown, Del., on or about November 21, 1922, and transported from the State of Delaware into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morning Star \* \* \* Sugar Corn Contents 1 Pound 3 Ounces \* \* \* Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, scrapings from corn cobs, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement, "Sugar Corn," and the design showing whole ears of corn, appearing on the labels of the cans containing the article, were false and misleading and deceived and misled the purchaser in that the said statement and design represented the