

was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libels for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal," "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," and "100 Lbs. Net," which were false and misleading, in that they indicated to the purchaser that the article contained 41 per cent of protein, the equivalent of 8 per cent of ammonia, and that the sacks contained 100 pounds net of the article, when, in fact, the said article contained less than 41 per cent of protein and the said sacks contained less than 100 pounds of the said article. 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 package, since the statement made was not correct.

On January 11 and 18, 1924, respectively, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$4,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**12131. Adulteration and misbranding of vinegar. U. S. v. Lyons Bros. Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17781. I. S. No. 9401-v.)**

On November 17, 1923, the United States attorney for the Northern District of Georgia, 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 Lyons Bros. Co., a corporation, trading at Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 10, 1923, from the State of Georgia into the State of Florida, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "The Lyons Bros. Co. Gold Dust Vinegar Atlanta, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was distilled vinegar containing not more than 10 per cent of apple vinegar, colored with caramel.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, diluted distilled vinegar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to vinegar, to wit, a mixture composed in part of diluted distilled vinegar, and was artificially colored so as to simulate the appearance of vinegar and in a manner whereby its inferiority to vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Vinegar," borne on the barrel containing the article, regarding the said article, was false and misleading, in that it represented that the article consisted wholly of vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of vinegar, whereas, in truth and in fact, it did not so consist but did consist in part of diluted distilled vinegar, artificially colored. Misbranding was alleged for the further reason that the article was a product composed in part of diluted distilled vinegar, artificially colored, prepared in imitation of vinegar, and was offered for sale and sold under the distinctive name of another article, to wit, vinegar.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*