

alleged apple cider vinegar, and the statement, to wit, "Distilled Vinegar," borne on the barrels containing the alleged distilled vinegar, were false and misleading, in that they represented that the article consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, whereas, in truth and in fact, it did not so consist but the alleged apple cider vinegar consisted in part of distilled vinegar and added water and the alleged distilled vinegar consisted in part of excessive water. Misbranding of the barreled product was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar or distilled vinegar, as the case might be.

Misbranding of the bottled product was alleged for the reason that the statement, to wit, "Contents 32 Ozs.," borne on the labels attached to the bottles containing the article, was false and misleading, in that it represented that each of the said bottles contained 32 ounces of the article, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 32 ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 32 ounces of the article but contained a less amount. Misbranding of the bottled product was alleged 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 package.

On November 9, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$25.

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

**12186. Adulteration and misbranding of canned oysters. U. S. v. J. Langrall & Bro., Inc., a Corporation. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 17948. I. S. Nos. 5880-v, 7989-v, 8652-v, 10356-v, 11416-v, 11962-v.)**

On March 22, 1924, 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 an information against J. Langrall & Bro., Inc., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about December 20, 1922, from the State of Maryland into the State of Texas; on or about December 20, 1922, and January 21 and April 24, 1923, respectively, from the State of Maryland into the State of California; on or about January 2, 1923, from the State of Maryland into the State of Indiana; and on or about February 23, 1923, from the State of Maryland into the State of Utah, of quantities of canned oysters which were adulterated and misbranded. The article was labeled variously: "Maryland Chief \* \* \* Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc.;" "Groub's Belle Brand \* \* \* Extra Heavy Select Cove Oysters Contents 5 Oz. Avd.;" "Salt Rock Brand \* \* \* Contents 4 Oz. Baltimore Cove Oysters \* \* \* Packed By J. Langrall & Bro. Inc. Baltimore, Md.;" "Parrot Brand \* \* \* Baltimore Cove Oysters Contains 4 Oz. Oysters \* \* \* Packed By J. Langrall & Bro., Inc. Baltimore, Md., U. S. A."

Examination of the article by the Bureau of Chemistry of this department showed that it contained excessive brine and that the cans contained less than the declared weights of oysters.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Oysters," "Contents 5 Oz.," "Contents 5 Ounces," "Contents 4 Oz.," and "Contains 4 Oz. Oysters," as the case might be, borne on the labels attached to the cans containing the respective lots of the article, were false and misleading, in that they represented that the said article consisted wholly of oysters and that each of the said cans contained 4 ounces or 5 ounces, as the case might be, 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 it consisted wholly

of oysters and that each of the said cans contained 4 ounces or 5 ounces, as the case might be, of the said article, whereas, in truth and in fact, it did not consist wholly of oysters but did consist in part of excessive brine, and the said cans did not contain the amounts declared on the respective labels but did contain less amounts. 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.

On March 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15 and costs.

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

**12187. Adulteration and misbranding of Grape Nip concentrate. U. S. v. 1 Barrel of Grape Nip Concentrate. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18222. I. S. No. 12606-v. S. No. E-4682.)**

On December 21, 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 1 barrel of Grape Nip concentrate, remaining in the original unbroken package at Baltimore, Md., alleging that the article had been shipped by the Orange Smash Co., from Birmingham, Ala., on or about November 20, 1923, and transported from the State of Alabama into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Orange Smash Company Birmingham, Alabama \* \* \* Grape Nip Concentrate."

Adulteration of the article was alleged in the libel for the reason that an imitation grape flavor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore statements regarding the article and the ingredients and substances contained therein, to wit, (tag) "Grape Nip \* \* \* Contains Extract Of Ripe Grapes Sugar And Water & Tartaric Acid," (sticker) "Grape Nip," which 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 was offered for sale under the distinctive name of another article.

On January 28, 1924, the Orange Smash Co., Birmingham, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was 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 a bond in the sum of \$125, in conformity with section 10 of the act.

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

**12188. Misbranding of olive oil. U. S. v. 8 Cases and 16 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17046. I. S. Nos. 5503-v, 5504-v, 5505-v. S. No. C-3851.)**

On December 19, 1922, the United States attorney for the District of Minnesota, 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 cases, 2-ounce size, and 16 cases, 6-ounce size, of olive oil, at Minneapolis, Minn., alleging that the article had been shipped by the Garibaldi Co., from Chicago, Ill., in various consignments, namely, on May 17, July 31, and November 21, 1922, respectively, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Extra Cyrilla Imported Olive Oil Net 2 Fluid Oz." (or "Net 6 Fluid Oz.") "The Garibaldi Co. Chicago."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the labels of the respective-sized bottles, namely, "Net 2 Fluid Oz." and "Net 6 Fluid Oz.," were false and misleading and deceived and misled the purchaser. 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.