

cider vinegar, which the article purported to be. Adulteration was alleged with respect to the said barreled vinegar for the further reason that it was a product inferior to pure cider vinegar and was artificially colored with caramel so as to simulate the appearance of pure cider vinegar and in a manner whereby its inferiority to pure cider vinegar was concealed.

Adulteration was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that distilled vinegar had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure cider vinegar made from apple juice, which the article purported to be.

Misbranding of the barreled vinegar was alleged for the reason that the statement, to wit, "Pure Cider Vinegar," borne on the barrels containing the article, was false and misleading in that the said statement represented that the said article consisted wholly of pure cider vinegar, 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 pure cider vinegar, whereas, in truth and in fact, it did not, but a portion thereof consisted in whole or in part of an excessively diluted distilled vinegar, artificially colored, and the remainder thereof consisted in whole or in part of vinegar made from evaporated apple products and distilled vinegar artificially colored. Misbranding of the said barreled vinegar was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that the statement, to wit, "Pure Cider Vinegar Made From Apple Juice," borne on the labels attached to the bottles containing the article, was false and misleading in that it represented that the said article was pure cider vinegar made from apple juice, 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 pure cider vinegar made from apple juice, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of distilled vinegar. Misbranding of the said portion of the bottled vinegar was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar made from apple juice.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned October 6, 1921, for the reason that the statement, to wit, "16 Fluid Ounces," borne on the labels attached to the bottles containing the article, was false and misleading in that the said statement represented that each of the said bottles contained 16 fluid ounces of the said 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 bottles contained 16 fluid ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 16 fluid ounces of the said article but did contain a less amount.

Misbranding was alleged with respect to all the said bottled vinegar for the 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 May 3, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of 100.

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

**12385. Misbranding of olive oil and cottonseed oil. U. S. v. 12 Cases of Olive Oil and 3 Cases and 36 Cans of Cottonseed Oil. Products released under bond to be relabeled.** (F. & D. Nos. 16487, 16490. I. S. Nos. 14320-t, 14323-t, 14324-t. S. Nos. W-1114, W-1116.)

On July 29, 1922, the United States attorney for the District of Utah, 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 12 cases of olive oil and 3 cases and 36 cans of cottonseed oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by Lekas & Drivas from New York, N. Y., in various consignments, namely, on or about July 16, July 22, and December 3, 1921, and March 18, 1922, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Net Contents ½ Gall. \* \* \* Pure Olive Oil \* \* \* Lekas & Drivas New York

U. S. A." The cottonseed oil was labeled in part: (Can) "Liberty Brand \* \* \* Oil \* \* \* Net Contents 1 Gallon" (or "Net Contents ½ Gallon") "Lekas & Drivas New York."

Misbranding of the articles was alleged in the libels for the reason that the statements on the labels of the respective-sized cans, "Net Contents 1 Gallon," "Net Contents ½ Gallon," "Net Contents ½ Gall.," were false and misleading in that the net contents of the said cans was not one-half gallon or 1 gallon, as the case might be. Misbranding was alleged for the further reason that the articles were [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 3, 1924, Lekas & Drivas, New York, N. Y., having appeared as claimants for the property, judgments of the court were entered, finding that the products were misbranded and ordering that they be released to the said claimants to be relabeled upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$500, in conformity with section 10 of the act.

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

**12386. Misbranding of butter. U. S. v. Charles C. Martin (Martin Bros. & Co.). Plea of guilty. Fine, \$150 and costs. (F. & D. No. 17144. I. S. No. 14306-t.)**

On April 6, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles C. Martin, trading as Martin Bros. & Co., Denver, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about May 17, 1922, from the State of Colorado into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Blue Hill Brand Butter 1 Pound."

Examination, by the Bureau of Chemistry of this department, of 30 packages from the consignment showed that the average net weight of the said packages was 15.59 ounces.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "1 Pound," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 1 pound 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 said packages contained 1 pound of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound of the article but did contain a less amount. 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 8, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

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

**12387. Misbranding of Lung Vita. U. S. v. Nashville Medicine Co., a Corporation. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. No. 8208. I. S. Nos. 11647-l, 11944-m.)**

On July 13, 1917, the United States attorney for the Middle District of Tennessee, 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 Nashville Medicine Co., a corporation, Nashville, Tenn., alleging shipment by said company in violation of the food and drugs act as amended, on or about March 24, 1916, from the State of Tennessee into the State of Alabama, and on or about September 1, 1916, from the State of Tennessee into the State of Arkansas, of quantities of Lung Vita, which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a partially emulsified mixture of kerosene, linseed and olive oils, glycerin, sugar, a trace of benzoic acid, small amounts of plant material, alcohol, and water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding its curative and therapeutic effects, appearing in the labels, falsely and fraudulently represented the said article to be a remedy for consumption and bronchial asthma and effective as a treatment for consumption and bronchial asthma when, in truth and