

ment, and it was ordered by the court that the product be released to the said claimant to be repacked and correctly labeled and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

**12988. Adulteration and misbranding of Wine Berre. U. S. v. 2 Cases, et al., of Wine Berre. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. Nos. 18919, 18942. I. S. Nos. 5263-v, 9325-v. S. Nos. C-4460, C-4475.)

On or about September 6 and 8, 1924, respectively, 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 of 2 cases and 26 gallons, 111 pints, and 8 quarts of Wine Berre, remaining in the original unbroken packages, in part at Atchison, Kans., and in part at Topeka, Kans., alleging that the article had been shipped by the Kansas City Kola Co., Kansas City, Mo., between the dates of April 5 and May 14, 1924, and transported from the State of Missouri 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) "Drink Wine-Berre" (cut of berries) "Color Added;" (carton) "With The Tang Of The Berry Patch" Wine-Berre Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine Berre-Punch Wine Berre is made with the use of the pure juice of ripe berries \* \* \* Wine Berre-Punch."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored imitation containing only a small amount of fruit had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "With The Tang Of The Berry Patch," Wine-Berre, Wine-Berre is made with the use of the pure juice of ripe berries, Wine Berre Punch, Drink Wine Berre," were false and misleading and deceived the purchaser into believing it to be a genuine article, when, in truth and in fact, it was an imitation of another 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.

On December 3, 1924, the Wine Berre Co. (Inc.), Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of decrees, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be rebranded to show its true contents.

W. M. JARDINE, *Secretary of Agriculture.*

**12989. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14439. I. S. No. 4377-t. S. No. C-2793.)

On February 11, 1921, the United States attorney for the Northern District of Illinois, 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 7 barrels of vinegar, at Galena, Ill. alleging that the article had been shipped by the National Vinegar Co., from Palatine Bridge, N. Y., October 27, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and for the further reason that apple waste had been substituted in part for pure cider vinegar.

Misbranding was alleged in substance for the reason that the barrels containing the article bore the statements "New York State Pure Cider Vinegar Reduced To New York State Standard 4 Per Centum By J. C. Vosburgh Canajoharie, New York," which were false and misleading, in that the said statements represented that the article consisted 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 was pure cider vinegar, whereas distilled vinegar, or acetic acid, had been mixed therewith. 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, to wit, pure cider vinegar.

On January 19, 1925, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**12990. Misbranding and alleged adulteration of tomato sauce. U. S. v. 36 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 19165. I. S. No. 20979-v. S. No. W-1607.)

On November 13, 1924, 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 36 cases of tomato sauce, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Best Foods (Inc.), from San Francisco, Calif., September 20, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce \* \* \* Packed By Hershel Cal. Fruit Prod. Co. \* \* \* San Jose Cal. Packers of Contadina Brand Naples Style Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On January 2, 1925, the Hershel California Fruit Products Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12991. Misbranding of butter. U. S. v. 2,010 Pounds of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18959. I. S. No. 18344-v. S. No. C-4472.)

On or about August 25, 1924, the United States attorney for the Eastern District of Tennessee, 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 2,010 pounds of butter, at Knoxville, Tenn., alleging that the article had been shipped by the Sugar Creek Creamery Co., Louisville, Ky., August 14, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was contained in parchment wrappers bearing the statement "Four Ounces Net."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "Four Ounces Net" did not each contain 4 ounces net of butter but did contain a less amount.

On November 3, 1924, 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 sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12992. Misbranding of butter. U. S. v. 55 Pounds of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18970. I. S. Nos. 18342-v, 18343-v. S. No. C-4477.)

On or about August 28, 1924, the United States attorney for the Eastern District of Tennessee, 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 55 pounds of butter, at Chattanooga, Tenn., alleging that the article had been shipped by the Andrew Rohan Co., Cincinnati, Ohio, August 12, 1924, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and