

13790. Adulteration and misbranding of vinegar. U. S. v. 95 Bottles of Vinegar. Default order of destruction entered. (F. & D. No. 14128. I. S. Nos. 9221-t, 9222-t, 9223-t. S. No. E-3027.)

On January 3, 1921, the United States attorney for the Southern District of Georgia, 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 95 bottles of vinegar, remaining in the original packages at Augusta, Ga., alleging that the article had been shipped by Price-Booker Mfg. Co., from Cawthorn, Ala., on or about June 16, 1920, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mission Brand Pure Apple Vinegar Prepared By Price-Booker Mfg. Co. Andalusia, Ala."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that distilled vinegar had been mixed with the article in a manner whereby damage and inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the labels, "Pure Apple Vinegar," was false and misleading and deceived and misled purchasers, since the said article consisted partly of distilled vinegar, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On August 17, 1925, no claimant having appeared for the property, a decree of the court was entered, ordering that the product be destroyed by the United States marshal.

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

13791. Adulteration and misbranding of olive oil. U. S. v. 150 Cans, et al., of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20013, 20014. I. S. Nos. 13946-v to 13950-v, incl. S. Nos. E-5292, E-5296.)

On April 21, 1925, the United States attorney for the District of Maine, 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 166 gallon cans, 54 half-gallon cans, and 150 quart cans, of olive oil, at Portland, Me., alleging that the article had been shipped by Pace & Sons, from Boston, Mass., in various consignments, namely, on or about February 4 and 20 and March 2 and 28, 1925, respectively, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pure Italian Olive Oil. * * * Contents One Quart" (or "Contents One Half Gallon" or "Contents One Full Gallon").

Adulteration of the article was alleged in the libels for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance for the reason that the following statements borne on the labels: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Products of Italy," (English and Italian) "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. * * * For * * * Medicinal Use," together with a cut of a castle, and olive sprays bearing olives, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured or produced, since it purported to be a product of Italy, whereas it was not, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the alleged gallon cans of the product for the further reason that the statement "Contents One Full Gallon," borne on the label, was false and misleading and deceived and misled the purchaser, and 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 August 5, 1925, Pace & Sons, Providence, R. I., claimants, having admitted the allegations of the libels and consented to the entry of decrees, judgments

of condemnation and forfeiture were entered, and it was ordered by the court 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 \$400, 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.*

13792. Misbranding of butter. U. S. v. 30 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond
(F. & D. No. 20402. I. S. No. 119-x. S. No. W-1768.)

On August 18, 1925, 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 30 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment by the Consolidated Dairy Products Co., Seattle, Wash., in interstate commerce from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Two-pound tin) "Darigold Brand Creamery Butter Two Pounds Net Best Creamery Butter Manufactured By United Dairy Association Of Washington, Seattle, Wash."

It was alleged in the libel that the article was misbranded under section 8 of said act, paragraphs 2 and 3, under "Food," in that it was short weight.

On September 9, 1925, the Consolidated Dairy Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, to show the correct weight.

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

13793. Misbranding of tankage. U. S. v. 290 Sacks of Hyklass Digester Tankage. Default decree of condemnation, forfeiture, and sale.
(F. & D. No. 18532. I. S. No. 17713-v. S. No. C-4324.)

On April 16, 1924, the United States attorney for the Southern District of Iowa, 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 290 sacks of Hyklass digester tankage, remaining in the original unbroken packages at Mount Pleasant, Iowa, alleging that the article had been shipped by the Rogers By-Products Co., Aurora, Ill., on or about February 27, 1924, and transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Hyklass Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co., Aurora, Ill."

Misbranding of the article was alleged in the libel for the reason that the designation "Protein 60%" borne on the label, was false and misleading and deceived and misled the purchaser, since the said article contained less than 60 per cent of protein.

On November 13, 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 without label by the United States marshal.

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

13794. Misbranding of evaporated apples. U. S. v. 64 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 19954. I. S. No. 16404-v. S. No. E-5265.)

On April 6, 1925, the United States attorney for the Southern District of Florida, 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 64 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Aspegren Fruit Co., from Sodus, N. Y., in various consignments, namely, on or about November 24 and December 4 and 12, 1924, respectively, and transported from the State of New York into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples