

terated in violation of the food and drugs act. The article was labeled in part: (Bottle) "La Oriental Carbonic Water Co. * * * Santurce, P. R. Nectar Pinita."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, saccharin, had been substituted in part for Nectar Pinita, to wit, pineapple nectar, which the said article purported to be, and for the further reason that it contained an added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On August 31, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

13800. Adulteration and misbranding of vinegar. U. S. v. 90 Barrels, et al., of Vinegar. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15502, 15664, 15665, 15739, 15740. I. S. Nos. 3515-t, 3540-t, 3541-t, 3542-t, 3579-t, 3580-t, 3582-t, 3583-t. S. Nos. C-3278, C-3326, C-3327, C-3373, C-3374.)

On October 26, November 28 and 29, and December 17, 1921, respectively, the United States attorney for the District of Minnesota, 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 657 barrels of vinegar, at Duluth, Minn., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., in various consignments, namely, on or about September 1, October 21, and November 5, 11, and 14, 1921, respectively, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously: "Apple Cider Vinegar," "Apple Cider Vinegar Made from Selected Apples," or "Douglas Packing Co. Apple Cider Vinegar Made From Selected Apples * * * Rochester, N. Y."

Adulteration of the article was alleged in the libels for the reason that evaporated or dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged with respect to all the product for the reason that it was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples," borne on the labels of 400 barrels of the product, was false and misleading and deceived and misled the purchaser, and in that the statements "Apple Cider Vinegar" or "Apple Cider Vinegar Made From Selected Apples," as the case might be, borne on the labels of the remaining 257 barrels, deceived and misled the purchaser. Misbranding was alleged with respect to 90 barrels of the product for the further reason that the statement "Apple Cider Vinegar Made from Selected Apples" was false and misleading and deceived and misled the purchaser, in that the product in the said 90 barrels contained barium.

On June 30, 1925, the cases having come on for final disposition and the claimant, the Douglas Packing Co., Rochester, N. Y., having offered no objection to the destruction of 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.

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