

**15737. Misbranding and alleged adulteration of cider vinegar. U. S. v. 18 Barrels of Cider Vinegar. Default decree of condemnation, forfeiture, and sale entered. (F. & D. No. 22366. I. S. No. 23706-x. S. No. 410.)**

On January 10, 1928, 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 seizure and condemnation of 18 barrels of cider vinegar, remaining unsold in the original packages at Davenport, Iowa, alleging that the article had been shipped by the Central City Pickle Co., from Peoria, Ill., on or about September 30, 1927, and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Reduced Apple Cider Vinegar diluted to 45."

It was alleged in the libel that the article was adulterated in that it contained added distilled vinegar and ash material.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar" and "Diluted to 45," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1928, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation, and it was further ordered by the court that it be sold by the United States marshal, but that such sale or resale by the purchaser must be made in compliance with the Federal food and drugs act and all other laws.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15738. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22789. I. S. Nos. 25643-x, 20336-x. S. No. 780.)**

On April 25, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Larson Creamery Co., Cokato, Minn., alleging that the article had been shipped from Cokato, Minn., on or about April 23, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On May 4, 1928, the Larson Creamery Co., Cokato, Minn., having appeared as claimant for the property, 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 \$600, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15739. Adulteration and misbranding of cottonseed meal. U. S. v. 151 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22318. I. S. No. 20422-x. S. No. 365.)**

On December 22, 1927, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District Court, a libel praying seizure and condemnation of 151 sacks of cottonseed meal, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia, by W. S. Hoge & Bro., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Helmet Brand Prime Cottonseed Meal Ashcraft Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Ammonia 8% \* \* \*"

It was alleged in the libel that the article was adulterated in that a substance deficient in ammonia had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Prime Cottonseed Meal Guaranteed Analysis Ammonia 8%," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 31, 1928, W. S. Hoge & Bro., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$25, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15740. Adulteration and misbranding of butter. U. S. v. 25 Cartons, et al, of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22787. I. S. Nos. 25662-x, 25663-x, 25664-x. S. No. 789.)

On April 30, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 55 cartons and 87 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Vasa Farmers Coop. Assoc., Welch, Minn., alleging that the article had been shipped from Welch, Minn., on or about April 23, 1928, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that a valuable constituent of the article had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of, or offered for sale under the distinctive name of, another article.

On May 5, 1928, the Meridale Dairies, Inc., Philadelphia, Pa., having appeared as claimant for the property, 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 \$4,000, conditioned in part that it should not be sold or otherwise disposed of until reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15741. Adulteration of canned sardines. U. S. v. 38 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22659. I. S. No. 21916-x. S. No. 703.)

On March 26, 1928, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 38 cases of sardines, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 5, 1927, and transported from the State of Massachusetts into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines in Cottonseed Oil The Brawn Company Portland Maine and Plymouth Mass."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 22, 1928, no appearance or answer having been filed in the case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*