

that the article was pure apple 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, in truth and in fact, it was not but consisted in part of water.

On November 8, 1928, the Tollerton & Warfield Co., 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 costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

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

16158. Misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23703. I. S. No. 8786-x.)

On December 24, 1928, the United States attorney for the Western District of Oklahoma, 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 Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about April 13, 1928, from the State of Oklahoma into the State of Minnesota, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Elko Brand Cotton Seed Cake or Meal Elk City Cotton Oil Co. Elk City, Okla. Guaranteed Analysis Crude Protein (minimum) 43 per cent."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Guaranteed Analysis Crude Protein (minimum) 43 per cent," borne on the tag attached to the sacks containing the said article, was false and misleading in that the said statement represented that the article contained not less than 43 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein, whereas it did contain less than 43 per cent of crude protein, to wit, approximately 39.7 per cent of crude protein.

On January 12, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

16159. Adulteration and misbranding of canned tomatoes and misbranding of tomato catsup. U. S. v. 170 Cases of Tomato Catsup, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22326, 22327. I. S. Nos. 20080-x, 20081-x, 20083-x, 20084-x, 20085-x, 20086-x, 20088-x. S. Nos. 324, 325.)

On or about December 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 540 cases of tomato catsup and 313 cases of canned tomatoes, remaining unsold in part at Long Branch, N. J., and in part at New Brunswick, N. J., alleging that the articles had been shipped by Greenabaum Bros. (Inc.), Seaford, Del., in two shipments, namely, on September 27 and September 28, 1927, respectively, and transported from the State of Delaware into the State of New Jersey, and charging adulteration and misbranding of the canned tomatoes and misbranding of the tomato catsup, in violation of the food and drugs act. The articles were labeled variously in part: "Sundale Brand Tomatoes * * * Packed by Greenabaum Bros., Inc. Seaford, Del.;" "Reel Tomatoes;" "Nanticoke Brand Pure Wholesome Tomato Catsup * * * Packed by Greenabaum Bros., Inc., Seaford * * * Del.;" "Hub City Brand Tomato Catsup * * * ;" "Reel Fancy Tomato Catsup."

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

Misbranding was alleged with respect to the canned tomatoes and the tomato catsup for the reason that the labels bore the following statements, (tomatoes) "Tomatoes" (cut of red, ripe tomato), (portion of tomato catsup, bottle label) "Tomato Catsup," (bottle and neck label) "Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar. Guaranteed Pure and to Comply with all U. S. Food Laws Contains no Artificial Color or Preservatives," (portion of tomato catsup, bottle label) "Tomato Catsup," (bottle and neck

label) "Made from * * * ripe tomatoes, sugar, vinegar, salt, onions, garlic, and spices," (neck label) "Guaranteed Pure. Contains no Artificial Color or Preservative," (portion of tomato catsup, bottle label) "Tomato Catsup," (bottle and neck label) "Made from * * * Ripe tomatoes, sugar, vinegar, salt, onions, garlic, and spices," (neck label) "We guarantee this Catsup to be Absolutely Pure. No Preservative or Artificial coloring," which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the said tomato catsup for the further reason that it was offered for sale under the distinctive name of another article.

On March 5, 1928, Greenbaum Bros. (Inc.), Seaford, Del., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that they be reshipped to the claimant's place of business at Seaford, Del., to be relabeled or repacked so that they meet the requirements of the Federal food and drugs act. On June 18, 1928, the decrees were amended to permit the use of the canned tomatoes in the manufacture of chili sauce.

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

16160. Misbranding of butter. U. S. v. 6 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22757. I. S. No. 20474-x. S. No. 835.)

On May 5, 1928, 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 6 cases of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the De Soto Creamery & Produce Co., from Minneapolis, Minn., April 26, 1928, and transported from the State of Minnesota into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser. 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 September 25, 1928, the De Soto Creamery & Produce Co., Minneapolis, Minn., 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 to be reconditioned to meet the requirements of the Federal food and drugs act, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

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

16161. Adulteration and misbranding of vinegar. U. S. v. 177 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 23097, 23098. I. S. Nos. 02212, 02214. S. No. 1193.)

On September 22, 1928, the United States attorney for the Middle 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 seizure and condemnation of 177 cases of vinegar, remaining in the original unbroken packages at Macon Ga., alleging that the article had been shipped by Knadler & Lucas (Inc.), Louisville, Ky., May 22, 1928, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Everybody's Colored Distilled Vinegar * * * Bottled by Knadler & Lucas, Incorporated, Louisville, Ky."

It was alleged in the libel that the article was adulterated in that water had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.