

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

Misbranding was alleged for the reason that the statement on the barrel lot, "Pure Cider Vinegar Made from Apples," and the statement and design or device on the half-gallon, gallon, quart, and pint lots, "Cider Vinegar Made from Apples," and cut of red apple on stem, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance with respect to the half-gallon and gallon lots for the further reason that the statements "Net Contents One Half Gallon," and "Net Contents One Gallon" were false and misleading and deceived and misled the purchaser, since the said half-gallon and gallon containers were short volume, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16524. Adulteration of tomato catsup. U. S. v. 46 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23391. I. S. No. 04713. S. No. 1578.)

On February 9, 1929, the United States attorney for the Northern District of Texas, 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 46 cases of tomato catsup, remaining in the original packages at Quanah, Tex., alleging that the article had been shipped by the Mid-Mountain Canning Co., from Bentonville, Ark., on or about September 29, 1928, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Mid-Mountain Brand Tomato Catsup * * * Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

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

On June 6, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16525. Adulteration of canned spinach. U. S. v. 30 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23697. I. S. No. 02686. S. No. 1956.)

On May 10, 1929, the United States attorney for the Western 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 30 cases of canned spinach at Warren, Pa., alleging that the article had been shipped by the Comstock Canneries, from Marion, N. Y., on or about October 22, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Sweet Violet Brand Spinach * * * Distributed by Mt. Morris Canning Co. Inc., Mt. Morris, N. Y." The remainder of the said article was labeled in part: "Fancy Quality * * * Distributed by Finger Lakes Canning Co. Inc., Penn Yan, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 20, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*