

of \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16622. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23890. I. S. No. 04097. S. No. 2030.)

On June 12, 1929, the United States attorney for the Southern District of New York, 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 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dougherty Cooperative Creamery, Dougherty, Iowa, on or about June 6, 1929, and transported from the State of Iowa into the State of New York, 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 deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

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

On June 18, 1929, the Dougherty Cooperative Creamery, Dougherty, Iowa, 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 costs and the execution of bond in the sum of \$1,000, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16623. Adulteration and misbranding of butter. U. S. v. 25 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23887. I. S. No. 08068. (S. No. 2037.)

On June 13, 1929, 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 25 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Mountain View Creamery Co., Purcellville, Va., alleging that the article had been shipped from Purcellville, Va., on or about June 11, 1929, and transported from the State of Virginia 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 with it so as to reduce, lower, or injuriously affect its quality or strength; and in 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 July 3, 1929, the H. R. Aiken Co., 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 costs and the execution of a bond in the sum of \$700, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16624. Adulteration and misbranding of vinegar. U. S. v. St. Louis Vinegar & Cider Co. Plea of nolo contendere. Fine, \$525 and costs. (F. & D. No. 22594. I. S. Nos. 19922-x, 19935-x, 19936-x, 19937-x, 19941-x, 19943-x, 25248-x, 25249-x, 25308-x, 25309-x.)

On December 13, 1928, the United States attorney for the Eastern District of Missouri, 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

St. Louis Vinegar & Cider Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments between June 8, 1927, and February 4, 1928, from the State of Missouri into the State of Illinois, of quantities of evaporated-apple vinegar, corn-sugar vinegar, and apple-cider vinegar which were adulterated and misbranded. The articles were labeled in part, variously: "Evaporated Apple Vinegar," "Corn Sugar Vinegar," "Fermented Corn Sugar Vinegar," and "Fermented Apple Cider Vinegar."

It was alleged in the information that the articles were adulterated in that mixtures of artificially colored distilled vinegar, with respect to portions of the articles, and mixtures of artificially colored distilled vinegar and water, deficient in acidity, with respect to a portion of the fermented corn-sugar vinegar and a portion of the evaporated-apple vinegar, had been mixed and packed with the articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, and apple-cider vinegar, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, and fermented apple-cider vinegar, as the case might be, and were colored so as to simulate the appearance of said products and in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apple Vinegar," "Corn Sugar Vinegar," "Fermented Corn Sugar Vinegar," "Fermented Apple Cider Vinegar," borne on the labels of respective portions of the products, were false and misleading in that the said statements represented that the articles were evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, or fermented apple-cider vinegar, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were evaporated-apple vinegar, corn-sugar vinegar, fermented corn-sugar vinegar, or fermented apple-cider vinegar, whereas they were not, but were, in the case of portions of the products, mixtures composed in part of artificially colored distilled vinegar, and in the case of a portion of the corn-sugar vinegar and a portion of the evaporated-apple vinegar, mixtures composed in part of artificially colored distilled vinegar and water, deficient in acidity. Misbranding was alleged for the further reason that the articles were imitations and were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the fermented corn-sugar vinegar 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 April 26, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$525 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16625. Adulteration and misbranding of jelly. U. S. v. Goodwin Preserving Co. Plea of guilty. Fine, \$100. (F. & D. No. 23702. I. S. No. 17520-x.)

On January 21, 1929, the United States attorney for the Western District of Kentucky, 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 Goodwin Preserving Co., a corporation, trading at Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act, on or about September 13, 1927, from the State of Kentucky into the State of California, of a quantity of jelly, which was adulterated and misbranded. The article was labeled in part: "Goodwin's Best Red Currant Jelly * * * Goodwin Preserving Co. Incorporated Louisville, Ky."

It was alleged in the information that the article was adulterated in that a currant-flavored, acidified pectin jelly had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for red-currant jelly which the said article purported to be.

Misbranding was alleged for the reason that the statement "Red Currant Jelly," borne on the label attached to the cans containing the article, was