

The article was labeled in part: (Case) "Georgia Peaches Oakdale Brand Unpeeled Pies Packed by W. L. Houser Canning Co., Fort Valley, Ga."

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

On November 4, 1929, the Fraering Brokerage Co. (Inc.), New Orleans, La., having appeared as claimant for the property, and having admitted the allegations of the libel, 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 \$2,500, conditioned in part that it be rendered free from worms and any decomposed or putrid animal or vegetable substance and should not be used, sold, or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16893. Adulteration and misbranding of cheese. U. S. v. 25 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23814. I. S. No. 04169. S. No. 2025.)

On June 13, 1929, the United States attorney for the District of Maryland, 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 boxes of cheese, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by D. W. Whitmore & Co. (Inc.), from New York, N. Y., on or about January 31, 1929, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "D. W. Whitmore & Co., 14066 New York."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted in part for the said article and had been mixed and packed with it so as to reduce and lower its quality and strength.

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

On or about December 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.*

16894. Adulteration and misbranding of canned frozen eggs. U. S. v. 255 Cans of Frozen Whole Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24176. I. S. No. 024277. S. No. 2417.)

On October 25, 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 255 cans of frozen whole eggs, consigned August 5, 1929, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Federal Cold Storage Co., from Piqua, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, to wit, decomposed eggs.

Misbranding was alleged for the 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 November 12, 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.*

16895. Adulteration of vinegar. U. S. v. National Vinegar Co. Plea of nolo contendere. Fine, \$550 and costs. (F. & D. No. 23732. I. S. Nos. 19907-x, 19913-x, 19999-x, 23716-x, 23815-x, 23817-x, 23818-x, 23821-x, 23822-x, 23823-x, 25239-x.)

On September 5, 1929, 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 National Vinegar Co., a corporation, St. Louis, Mo., alleging shipment by said

company in violation of the food and drugs act, between the approximate dates of September 10, 1927, and January 27, 1928, from the State of Missouri in various consignments into the States of Tennessee, Illinois, and Iowa, respectively, of quantities of vinegar which was adulterated. The article was contained in barrels labeled in part variously: "National Vinegar Co. Gold-N-Rule Brand * * * Pure Cider Vinegar;" "National Vinegar Co. * * * Pure Cider Vinegar;" "National Vinegar Company Gold-N-Rule Brand * * * Pure Cider Vinegar;" "National Vinegar Co. * * * Pure Evaporated Apple Vinegar;" "National Vinegar Co. Gold-N-Rule Brand * * * Cider Vinegar;" "National Vinegar Co. Golden-N-Brand Pure Evaporated Vinegar Reduced to 4%;" "National Vinegar Co. * * * Pure Evaporated Apple Vinegar;" "National Vinegar Co. Gold-N-Rule Brand * * * Evaporated Apple Vinegar;" "Cider Vinegar;" and "Evaporated Apple Vinegar."

It was alleged in the information that the article was adulterated in that certain substances had been substituted in part for the product which the article purported to be, as follows: Corn-sugar vinegar had been substituted in part for pure cider vinegar, pure evaporated-apple vinegar, or evaporated-apple vinegar, as the case might be; evaporated-apple vinegar had been substituted in part for cider vinegar; distilled vinegar had been substituted in part for evaporated-apple vinegar; and water and colored distilled vinegar had been substituted in part for pure evaporated-apple vinegar; colored distilled vinegar had been substituted in part for pure evaporated-apple vinegar; and an acid product other than evaporated-apple vinegar had been substituted in part for evaporated-apple vinegar; and in that said substituted products had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged with respect to two lots of the evaporated-apple vinegar for the further reason that the article had been mixed and colored with water and colored distilled vinegar in one instance and with colored distilled vinegar, in the other instance, in a manner whereby damage and inferiority were concealed.

On October 4, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$550 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16896. Adulteration and misbranding of grape juice. U. S. v. 32 Bottles, et al., of Grape Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23925. I. S. No. 09730. S. No. 2178.)

On August 16, 1929, the United States attorney for the District of Oregon, 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 32 quart-size bottles and 16 pint-size bottles of grape juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Island Belle Grape Juice Co., from Grapeview, Wash., on or about May 29, 1929, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Island Belle * * * Grape Juice from Delicious Island Belle Grapes and Pure Cane Sugar Island Belle Grape Juice Co. Inc., Grapeview, Wash."

It was alleged in the libel that the article was adulterated in that water had been mixed and packed with and substituted in part for grape juice, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Grape Juice," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a grape juice containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the following statements borne on the label, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Grape Juice is a particularly wonderful solvent. It thins and stimulates the blood, opening the way into capillaries already dried and choked up—If the process has not gone too far. By a course of unfermented grape juice treatment, people with sunken eyes, wrinkled skins, and poor complexions, become plump, ruddy, and lively. The increased permeability enables the spirit to manifest more freely and with renewed energy."