

It was alleged in substance in the libel that the article had been shipped in violation of the said food and drugs act in that a substance, coffee chaff, had been mixed and packed with and substituted in part for coffee.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser in that the said label represented that the product was steel-cut, ground coffee, whereas it was not. Misbranding was alleged for the further reason that the labels on the said product were false and misleading.

On May 14, 1930, no claimant having appeared for the property, judgment of condemnation 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.*

17510. Misbranding of biscuits. U. S. v. 100 Dozen Packages of Biscuits. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24731. I. S. No. 023674. S. No. 3084.)

Sample packages of biscuit from the herein-described interstate shipment having been found to contain less than 8 ounces of the product, the weight represented on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On April 25, 1930, the United States attorney for the District of Colorado filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 dozen packages of biscuits, remaining in the original unbroken packages at Denver, Colo., consigned by the Loose-Wiles Biscuit Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about April 8, 1930, and transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunshine Salted Krispy Crackers Net Weight 8 Ozs. Loose-Wiles Biscuit Co. Address—New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 8 Ozs.," 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 failed to bear a plain and conspicuous statement of the quantity of the contents since the statement made was incorrect.

On May 13, 1930, the Loose-Wiles Biscuit Co., a New Jersey corporation, 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 a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department to show the correct weight of the contents of the packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17511. Adulteration and misbranding of vinegar. U. S. v. Central City Pickle Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 23731. I. S. Nos. 01926, 08381, 23654-x, 23668-x, 23706-x.)

Samples of vinegar from the herein-described interstate shipments having been found to consist in large part of an acid substance other than apple-cider vinegar or cider vinegar, and to be artificially colored, and a portion thereof having been found deficient in acidity, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Illinois.

On September 27, 1929, the United States attorney filed in the District Court of the United States for said district an information against the Central City Pickle Co., a corporation, Peoria, Ill., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 21, September 30, December 28, and December 30, 1927, respectively, from the State of Illinois into the State of Wisconsin, of quantities of vinegar which was adulterated and misbranded. The article was labeled in part: "Apple Cider Vinegar" or "Cider Vinegar." A portion was further labeled: "Diluted to 45."

It was alleged in the information that the article was adulterated in that an acid substance other than apple-cider vinegar, or cider vinegar, 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 the said article. Adulteration was alleged for the further reason that the article was inferior to apple-cider vinegar or cider vinegar, and was artificially colored so as to simulate the appearance of apple-cider vinegar or cider vinegar, and in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Apple Cider Vinegar," or "Cider Vinegar," and with respect to a portion of the article, the further statement, "Diluted to 45," borne on the barrels containing the article, were false and misleading in that the said statements represented that the article was apple-cider vinegar or cider vinegar, and that a portion thereof had been diluted to 4½ per cent acidity; 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 apple-cider vinegar or cider vinegar, and that the said portion had been reduced to 4½ per cent acidity, whereas it was a mixture composed in part of an acid substance other than represented, and the said portion had been reduced to less than 4½ per cent acidity. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article.

On May 27, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17512. Adulteration of tangerines and grapefruit. U. S. v. The Lakeland Co. Plea of guilty. Fine, \$25. (F. & D. No. 22562. I. S. Nos. 5912-x, 10732-x, 12489-x, 12696-x.)

Examination of samples of the tangerines and grapefruit from the herein-described interstate shipments having shown that a large part of the fruit was dry due to frost damage, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On June 25, 1928, the United States attorney filed in the District Court of the United States for said district an information against the Lakeland Co., a corporation, Lakeland, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about February 14 and March 3, 1927, from the State of Florida into the State of Georgia, of quantities of tangerines and grapefruit, and on or about February 22, 1927, from the State of Florida into the State of Colorado, of a quantity of grapefruit, which was adulterated. The tangerines and a portion of the grapefruit were labeled in part: "Lapaco, * * * The Lakeland Company Lakeland, Florida."

It was alleged in the information that the articles were adulterated in that decomposed and frost-damaged fruit had been substituted in part for edible tangerines and grapefruit, which the articles purported to be; in that juice, a valuable constituent of the articles, had been in part abstracted; and in that the articles consisted in part of decomposed vegetable substances.

On February 25, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17513. Misbranding of flour. U. S. v. 400 Sacks, et al., of Flour. Decree of condemnation, forfeiture, and sale, with provision for release under bond. (F. & D. No. 24393. I. S. Nos. 025360, 025361, 025364. S. No. 2632.)

Sample sacks of flour from the following described interstate shipment having been found to contain less than the amount labeled on the sacks, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Louisiana.

On December 24, 1929, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of four hundred and forty-eight 12-pound sacks, and three hundred and twenty 6-pound sacks of flour, alleging that the article had been shipped by the G. B. R. Smith Milling Co., on or about November 23, 1929, from Sherman, Tex., into the State of Louisiana, that it remained in the original unbroken packages at Lake Charles, La., and that it was misbranded in violation of the food and drugs act as amended. The sacks containing the article were labeled in part: "12 Lbs. [or "6 Lbs."] Bouquet Flour," or "12 Lbs. Daily Biscuit Self Rising Flour." Nineteen 12-pound sacks of the Daily Biscuit self-rising flour were seized.