

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.

It was alleged in the libel that the article was misbranded in that the statements, "12 Lbs." or "6 Lbs." on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained less than the weights indicated thereon. 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 packages, since the statements made thereon as to the weight of the contents were incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the said product might be released to the G. B. Smith Milling Co., Sherman, Tex., shipper, or the F. C. Winter Mercantile Co., Lake Charles, La., upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17514. Adulteration and misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 24601. I. S. No. 037807. S. No. 2952.)

Samples of tomato catsup from the herein-described interstate shipment having been found to contain mold and undeclared artificial color, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On March 7, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato catsup at Lebanon, Mo., alleging that the article had been shipped by the Rush Canning Co., from Bentonville, Ark., on or about October 22, 1929, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Packed by Mid-Mountain Fruit Company, Bentonville, Ark., Grown and packed in the Ozark Mountains \* \* \* Mid-Mountain Brand."

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

Misbranding was alleged for the reason that the designation "Tomato Catsup" on the labels, was false and misleading and deceived and misled the purchaser, when applied to an article containing artificial color.

On April 14, 1930, 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.*

**17515. Misbranding of cottonseed meal. U. S. v. 160 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 24637. I. S. No. 037808. S. No. 2992.)

Samples of the cottonseed meal from the herein-described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On March 22, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Mo., alleging that the article had been shipped by the Southern Cotton Oil Co., Newport, Ark., on or about February 17, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Prime Cottonseed Cake or Meal \* \* \* Guaranteed Analysis, Protein Not less than 43 Per Cent."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein not less than 43 Per Cent," was false and misleading and deceived and misled the purchaser.

The Chickasha Cotton Oil Co., Newport, Ark., appeared as claimant for the property and admitted the allegations of the libel and consented that judgment be entered for condemnation and forfeiture of the product. On April 2, 1930, a decree was entered by the court finding the product misbranded and order-