

**20237. Adulteration and misbranding of vinegar. U.S. v. 11 Cases of Apple Cider Vinegar, et al. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. nos. 28778, 28779. Sample nos. 2228-A, 2229-A.)**

This action involved the shipment of quantities of cider vinegar and distilled vinegar which was low in acidity. Sample bottles of the distilled vinegar were also found to contain less than the declared volume.

On August 23, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 cases of apple cider vinegar and 7 cases of distilled vinegar, remaining in the original packages at Roswell, N.Mex., alleging that the articles had been shipped in interstate commerce, from Abilene, Tex., to Roswell, N.Mex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The records of this Department indicate that the cider vinegar was shipped by the Universal Manufacturing Co., Abilene, Tex., on September 3 and October 8, 1931, and that the distilled vinegar was shipped by the J. M. Radford Grocery Co., Abilene, Tex., June 1 and July 8, 1932. The articles were labeled in part, respectively: "Woman's Club Apple Cider Vinegar Universal Manufacturing Co. Abilene, Texas"; and "Justo Colored Distilled Vinegar Packed by Universal Manufacturing Co., Abilene, Texas, One Qt."

Adulteration was alleged in the libel for the reason that a substance of less than 4 percent acidity had been substituted for vinegar.

Misbranding was alleged for the reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the distilled vinegar was alleged for the reason that the statement on the label, "One Qt.", was false and misleading, and deceived and misled the purchaser. Misbranding of the said distilled vinegar was alleged 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, since the statement made was incorrect.

On October 3, 1932, 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 relabeled and sold or destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20238. Adulteration of butter. U.S. v. 19 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28846. Sample no. 1257-A.)**

This action involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 16, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about August 7, 1932, by T. B. Klock & Co., from Bozeman, Mont., to Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bozeman Creamery Bozeman, Montana T. B. Klock & Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

On August 24, 1932, the Bozeman Creamery Co., Bozeman, Mont., 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 \$250, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs act, and all other laws. On September 6, 1932, the product having been reworked and brought into compliance with the law, final order was entered making the release permanent and exonerating the bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*