

On April 24, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 sacks of evaporated apple chops at Cincinnati, Ohio, alleging that the article had been transported in interstate commerce on or about May 1, 1931, by DeHoff & Gaylord, from Sodus, N. Y., and charging adulteration in violation of the Food and Drugs Act.

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.

On June 1, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21060. Misbranding of vinegar. U. S. v. 20 Barrels of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 29908. Sample no. 30791-A.)

This case involved a shipment of vinegar designated as "45 Grain", which term is descriptive of vinegar containing 4.5 grams of acetic acid per 100 cubic centimeters. The product was of lower acidity than represented.

On March 9, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of vinegar at Helena, Mont., alleging that the article had been shipped in interstate commerce, on or about February 16, 1933, by the Washington Food Products, from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Pure Apple Cider * * * Empire Brand Vinegar. Washington Food Products, Spokane, Wash., 45 Grain."

It was alleged in the libel that the article was misbranded in that the statement on the label representing that it was "45 Grain" vinegar, namely, a product containing 4½ grams of acetic acid per 100 cubic centimeters, was false and misleading and deceived and misled the purchaser, since it contained less than 4½ grams of acetic acid per 100 cubic centimeters.

On May 25, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21061. Adulteration and misbranding of butter. U. S. v. Mount Angel Co-operative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 29430. Sample nos. 1563-A, 15057-A.)

This action involved interstate shipments 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 June 28, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 25, and August 22, 1932, from the State of Oregon into the State of Washington, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Standard Grade Butter * * * Oregon Creamery Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter" on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not.

On June 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*