

Cider Vinegar"; "Reliance Brand Genuine Apple Cider Vinegar, Reduced to 4½%"; (bottles) "Pure Cider Vinegar \* \* \* Mfg. by J. W. Gilmore & Co. Moscow, Idaho."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

Misbranding of a portion of the barreled vinegar was alleged for the reason that the statement, "Reduced to 4½%", was false and misleading and deceived and misled the purchaser.

On October 3, 1932, an order was entered by the court permitting the Western Cider Vinegar Co., Inc., to take the barreled vinegar down under bond. On November 16, 1932, no claim having been entered for the bottled vinegar and the claimant for the barreled vinegar having failed to exercise its right under the order of October 3, judgment was entered ordering both lots forfeited and destroyed.

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

**21106. Adulteration of butter. U. S. v. Sara A. Goble and M. Rex Goble (Linwood Dairy & Creamery Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 28198. I. S. no. 42720.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 6, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sara A. Goble and M. Rex Goble, copartners trading as the Linwood Dairy & Creamery Co., Wichita, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 28, 1931, from the State of Kansas into the State of New York, of a quantity of butter which was adulterated.

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 must contain not less than 80 percent of milk fat as defined by the act of March 4, 1923, which the article purported to be.

On March 20, 1933, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

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

**21107. Adulteration and misbranding of canned tomatoes. U. S. v. 39 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 29905. Sample no. 32799-A.)**

This case involved an interstate shipment of canned tomatoes that were in part decomposed. The article also fell below the standard of fill of container established by this Department, and was not labeled to show that it was slack-filled.

On March 4, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned tomatoes at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 11, 1933, by F. D. Bolton, from Fincastle, Va., and charging adulteration in violation of the Food and Drugs Act. On March 23, 1933, the libel was amended in order to charge that the product was also misbranded. The article was labeled in part: "Cherry Grove Brand Hand Packed Tomatoes \* \* \* Packed by F. D. Bolton, Fincastle, Va."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged in the libel as amended in that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 22, 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.*