

21465. Adulteration and misbranding of imitation lemon. U. S. v. 360 Bottles of Imitation Lemon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30824. Sample no. 41941-A.)

This case involved a shipment of imitation lemon which was artificially colored and which was so deficient in the flavoring substances normal to such product as to be almost worthless as a flavoring agent. The statement of the quantity of the contents borne on the label was not made in terms of liquid measure.

On August 5, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bottles of imitation lemon at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 27, 1933, by the John H. Evans Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Duchess Imitation Lemon."

It was alleged in the libel that the article was adulterated in that an artificially colored water containing much less than the normal amount of flavor had been substituted for imitation lemon. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the bottle label, "Imitation Lemon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food 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 not expressed in terms of liquid measure.

On September 6, 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.*

21466. Misbranding of vinegar. U. S. v. 36 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 30685. Sample nos. 35999-A, 42061-A.)

This case involved a shipment of bottled vinegar. Sample bottles taken from the shipment were found to contain less than 1 pint, the declared volume.

On July 3, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of vinegar at Pueblo, Colo., consigned by the Speas Manufacturing Co., alleging that the article had been shipped in interstate commerce on or about March 21, 1933, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Solitaire Pure Apple Cider Vinegar. Contents 1 Pint."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pint", was false and misleading and deceived and misled the purchaser, and 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 September 28, 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 delivered to charitable institutions.

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

21467. Misbranding of butter. U. S. v. 329 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30722. Sample nos. 16823-A, 33672-A, 33674-A, 33675-A.)

This case involved a shipment of butter. Sample cartons taken from the lot were found to contain less than 1 pound, the labeled weight. The article was also falsely labeled as to the name of the manufacturer.

On or about July 5, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 329 cases of