

from Denver, Colo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Asher Brand Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," "Speas Fermented Apple Cider Vinegar Full Strength," "Fancy Table and Pickling Vinegar \* \* \* Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength Packed For Walter Schultz Company Casper, Wyoming," or "Sixty Grain Apple Cider Vinegar."

The article was alleged to be adulterated in that a substance, dilute acetic acid or distilled vinegar, a portion artificially colored, had been substituted wholly or in part for the article. Portions were alleged to be adulterated further in that acetic acid or distilled vinegar, a portion containing artificial color, had been added thereto or mixed or packed therewith so as to reduce its quality or strength, and, in the case of the lot containing artificial color, so as to make it appear better or of greater value than it was. One lot was alleged to be adulterated further in that inferiority had been concealed by the use of artificial color.

All lots of the article were alleged to be misbranded (1) in that the statements "Apple Cider Vinegar," "Apple Cider Vinegar Full Strength," "Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength," and "Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," appearing in the labeling of the various lots were false and misleading as applied to mixtures of cider vinegar with dilute acetic acid or distilled vinegar, a part of which was artificially colored; and (2) in that it was offered for sale under the name of another food. One lot was alleged to be misbranded further in that it contained artificial coloring and failed to bear labeling stating that fact.

On April 3 and 9, and June 14, 1943, the Speas Co. having appeared as claimant for the lots located at Cheyenne and Casper, Wyo., and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released to the claimant under bond for repackaging and relabeling. On May 31 and June 23, 1943, these decrees were modified, with the consent of the claimant, to permit the delivery of the product to various Federal, State, and municipal institutions. On April 21 and May 10, 1943, the consignee of the lot located at Lincoln having consented to the entry of a decree and no claimant having appeared for the lot located at Mira Loma, Calif., judgments of condemnation were entered and the former lot was ordered destroyed and the latter was ordered delivered to charitable and welfare organizations.

**5031. Adulteration of mince meat. U. S. v. 27 Wooden Pails and 44 Cases of Mince Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 9069, 9171. Sample Nos. 24171-F, 36843-F.)**

On December 23, 1942, and January 11, 1943, the United States attorneys for the District of Maryland and the District of Columbia filed libels against 27 wooden pails, each containing 20 pounds, of mince meat at Baltimore, Md., and 44 cases, each containing 6 8-pound bottles, of mince meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 11 and 17, 1942, by the Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent hair fragments and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Old Virginia Extra Fancy Mince Meat," or "Virginia Royal Fancy Plain Mince Meat."

On January 20 and February 3, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### CANNED VEGETABLES

**5032. Adulteration of canned green beans. U. S. v. 249 Cases of Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 8472. Sample No. 24241-F.)**

This product was underprocessed and decomposed.

On October 1, 1942, the United States attorney for the Western District of Virginia filed a libel against 249 cases, each containing 24 cans, of cut green beans at Check, Va., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by W. C. Simpson, from Check, Va., to Mabscott, W. Va., and had been returned on September 18, 1942, to Check, Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Bent Mountain Brand \* \* \* Cut Green Beans."

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.