

It was thus apparent that the article was both adulterated and misbranded; adulterated because it was not vanilla extract but a mere imitation, colored with a coal-tar dye to make it resemble real vanilla extract. It was also a substitution of an imitation for a genuine food article.

It was misbranded because labeled "Double Extract of Vanilla," when it was in fact an imitation of that article, containing a mere trace of vanilla and a coal-tar dye to impart the color of pure extract.

The Secretary of Agriculture having afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General, who referred the case to the United States attorney for the western district of New York, who filed two informations against said C. B. Woodworth Sons Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., July 17, 1908.

(N. J. 6.)

MISBRANDING OF CIDER.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 1st day of June, 1908, in the district court of the United States for the western district of Kentucky, in a proceeding of libel for condemnation of cider, misbranded as to place of manufacture and name of manufacturer, wherein the United States was libellant and the O. L. Gregory Vinegar Company, a corporation, was claimant, the said claimant having admitted the allegations of the libel, a decree of forfeiture and condemnation was rendered in substance and form as follows:

In the District Court of the United States for the Western District of Kentucky.

THE UNITED STATES OF AMERICA VS. TEN BARRELS OF CIDER, ETC.

Came the claimant and moved to the court to order that upon payment of the costs of the libel proceedings herein and the execution and delivery of a good and sufficient bond in the sum of \$200.00, that the articles contained herein

shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, or the laws of any State, Territory, district, or insular possessions; said articles condemned herein shall be delivered to said claimant as owner thereof, and the district attorney not objecting to the amount of said bond, it is now ordered and adjudged that said motion be granted; and thereupon said claimant produced and delivered to the court its bond with James P. Gregory and Boyle G. Boyle as securities, which bond is approved by the court, and it is ordered that upon payment of the costs taxed herein to the clerk, the articles condemned herein shall be delivered to said claimant said O. L. Gregory Vinegar Company.

Enter June 1, 1908. Walter Evans, Judge.

The case grew out of the following state of facts:

On or about May 19, 1908, an inspector of the Department of Agriculture located in course of transit a quantity of cider, consisting of 10 barrels, 75 half barrels, and 50 kegs, consigned by A. Schmidt, Jr., & Bros. Wine Company, of Sandusky, Ohio, to the O. L. Gregory Vinegar Company, Paducah, Ky. The cider was marked and branded "Blue Ribbon Apple Cider, containing one-tenth per cent benzoate of soda, O. L. Gregory Vinegar Company, Paducah, Ky." Since the cider was manufactured by the consignor, A. Schmidt, Jr., & Bros. Wine Company, at Sandusky, Ohio, and the labels on the package bore the name and address of O. L. Gregory Vinegar Company stated in a manner purporting manufacture by that company at Paducah, Ky., the product was misbranded in violation of section 8 of the act.

On May 20, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney at Louisville, Ky. Libel for seizure and condemnation, under section 10 of the act, was duly filed in the court aforesaid in session at Paducah, Ky., upon which seizure was forthwith made and notice given to claimant, O. L. Gregory Vinegar Company. The said claimant appeared and admitted that the cider seized was subject to seizure by the United States for the causes stated in the libel. Whereupon the court adjudged the cider misbranded, and upon the filing of a good and sufficient bond, in accordance with section 10 of the act and under the provisions of the decree hereinbefore set forth, the goods were duly surrendered to the claimant.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., July 15, 1908.