

to show any fault or error in the result of the aforesaid examination, the facts were duly reported to the Attorney-General and by him to the United States attorney for the District of Columbia, who, on the 29th day of May, 1908, filed an information in the police court of said District alleging the sale of misbranded eggs by said Golden & Co. to the said Rogerson 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 15, 1908.

(N. J. 23.)

ADULTERATION AND MISBRANDING OF VINEGAR.

(Distilled vinegar artificially colored.)

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 28th day of July, 1908, in the district court of the United States for the western district of Oklahoma in a proceeding of libel for condemnation of adulterated and misbranded vinegar—that is to say, 48 barrels containing 2,256 gallons, more or less, of colored distilled vinegar—wherein the United States was libellant and the Oklahoma Supply Company, a corporation, was claimant, the said claimant having filed its answer and the cause having come on for hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

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

THE UNITED STATES, LIBELLANT.	}	No. 21.
<i>vs.</i>		
65 BARRELS DISTILLED VINEGAR, COLORED.		

Decree for Condemnation.

Now, to wit, on this 28th day of July, 1908, at a term of said court at Enid, in said district, said cause came on for trial, and it appearing to the court that upon the libel filed herein monition and warrant of arrest was duly issued and served on the 28th day of May, 1908, and that by virtue of the said warrant the marshal has seized and now holds 48 barrels containing, to wit, 2,256 gallons, more or less, of colored distilled vinegar, of the approximate value of \$135, the said 48 barrels, with contents, having been seized within the premises and in the possession of the Oklahoma Supply Company, a corporation, at Oklahoma City, within said district, respondent, and now being stored in the custody of the said marshal, and it appearing that the

said Oklahoma Supply Company, a corporation, was duly warned to appear herein on the 28th day of July, 1908, and that due and legal notice and proclamation were given to all persons having or claiming to have any claim, right, or interest therein, or in or to said property, to appear on the said date and answer the said libel, and the said Oklahoma Supply Company, a corporation, having so appeared and filed its answer to the said libel, and the libellant appearing by John Embry, United States attorney for the western district of Oklahoma, and the said Oklahoma Supply Company appearing by its president and secretary and by J. L. Brown, its attorney, a jury is waived and said cause is tried to the court; the libellant and respondent each introduce their evidence and argue said cause and submit same to the court, and the court now being fully advised in the premises finds for the libellant, and finds that the contents of said 48 barrels is colored distilled vinegar, an article of food and an article designed to enter into the composition of food and that the same is adulterated and that the said barrels and contents are misbranded within the meaning of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, liquors, and for regulating traffic therein, and for other purposes," and that same has been transported as vinegar in interstate commerce from the city of Chicago, in the State of Illinois, to Oklahoma City, in the State of Oklahoma, consigned and sold to the Oklahoma Supply Company, a corporation in the western district of Oklahoma, and remains in said district in original unbroken packages, being a part of a consignment of 65 barrels of colored distilled vinegar so adulterated and misbranded and transported in interstate commerce from the Illinois Vinegar Manufacturing Company, in the city of Chicago, in the State of Illinois, to the Oklahoma Supply Company, Oklahoma City, Okla., being all of such consignment found in original, unbroken packages; that is, the court finds that said articles of food are adulterated and are in violation of said act of Congress in that said barrels, and each of them, contain distilled vinegar which is colored in imitation of apple or cider vinegar by addition of burnt sugar thereto, thereby concealing inferiority; and that the said articles of food are misbranded, in that the said barrels, and each of them, contain distilled vinegar, which is an imitation of another article of distinctive name, being colored in imitation of apple or cider vinegar, without being labeled, branded, or tagged so as to plainly indicate that the said food is such imitation and without having the word "Imitation" plainly stated on each of the packages in which said food was so transported in interstate commerce and offered for sale and sold to the Oklahoma Supply Company, the said barrels containing such vinegar having no label or other description except a strip of blue paint or blue marking from 6 to 8 inches wide, placed upon or across the head of each barrel, and together with and stamped upon this blue mark are figures showing the number of gallons contained in each barrel and the figures "112."

Wherefore it is ordered, adjudged, and decreed by the court that the said 48 barrels, with contents as aforesaid, be, and they hereby are, declared to be misbranded and the contents thereof adulterated in violation of the act of June 30, 1906, as charged in the said libel; and it is further ordered that the said 48 barrels, with contents as aforesaid, be, and they hereby are, condemned and ordered to be destroyed as prayed for in the said libel, and as provided for in the said act of June 30, 1906. It is provided, however, that upon the payment of all the costs in the proceeding herein, including all court, clerk's, and marshal's costs, and costs of hauling, storage, watchmen, and all costs incident to or contracted in this proceeding, and the execution and deliverance by the Oklahoma Supply Company, a corporation, to the libellant of a good and sufficient bond in the penalty of \$1,000, conditioned that the said 48 barrels, with the contents aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, or the laws of any State, Territory, district, or insular possession, the said marshal shall redeliver the said 48 barrels, with such of their contents as they now contain, or may contain at the time of such redelivery, to the said

Oklahoma Supply Company, a corporation, in lieu of destruction thereof, the said bond to be filed herein, if at all, on or before the 20th day of August, 1908, and that the libellant recover from the Oklahoma Supply Company, a corporation, its costs herein taxed at \$——, for which execution shall issue if the costs are not paid as herebefore provided, to all of which findings, rulings, and judgment of the court the Oklahoma Supply Company duly excepts and exceptions allowed, and the said Oklahoma Supply Company now files its motion for a new trial, which motion is by the court duly considered and overruled, to which ruling of the court the Oklahoma Supply Company duly excepts and exceptions allowed.

JOHN H. COTTERAL, *Judge.*

The facts in this case are as follows:

On or about May 4, 1908, an inspector of the Department of Agriculture located in the possession of the Oklahoma Supply Company of Oklahoma City, Oklahoma, 65 barrels of distilled vinegar which was consigned to it by the Illinois Vinegar Manufacturing Company, Chicago, Ill., on January 30, 1908. There were no labels or other descriptive matter on the barrels except a strip of blue paint from 6 to 8 inches wide placed upon and across one head of each barrel, and together with a stamp upon this blue mark were figures showing the number of gallons and the number "112."

A sample of the product was analyzed in the Bureau of Chemistry of the Department of Agriculture and the following results were obtained and stated:

Polarization (°V.).....	0 7
Reducing sugars (grams per 100 cc).....	. 1040
Solids (grams per 100 cc).....	. 370
Ash (grams per 100 cc).....	. 0264
Total acids (grams per 100 cc).....	10. 83
Fixed acids (grams per 100 cc).....	. 01
Volatile acids (grams per 100 cc).....	10. 82
Alkalinity of ash (cc N/10 solution per 100 cc).....	1. 40
Total phosphoric acid (mg P ₂ O ₅ per 100 cc).....	2. 00
Lead number (no precipitate or turbidity with lead acetate).....	0. 00
Color removed by fuller's earth (per cent).....	82. 00

It was evident that the product was both adulterated and misbranded within the meaning of the act; adulterated for the reason that it was a distilled vinegar colored in imitation of apple or cider vinegar, thereby concealing inferiority; and misbranded because the barrel contained distilled vinegar colored to imitate an article of distinctive name, that is to say, apple or cider vinegar, without being labeled, tagged, or branded so as to plainly indicate that it was an "imitation" and without having that word plainly stated upon each of the barrels.

On May 15, 1908, the facts were reported by the Secretary of Agriculture to the Attorney-General, who referred them to the United States attorney for the Western District of Oklahoma. Libel for seizure and condemnation under section 10 of the act was duly filed in the district court of the United States for the said district. The

case duly came on for trial and the court adjudged the product to be adulterated and misbranded; and upon the filing by claimant of a good and sufficient bond under the provisions of the decree hereinbefore set forth, the goods were released.

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

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., October 17, 1908.

(N. J. 24.)

ADULTERATION AND MISBRANDING OF MOLASSES.

(Admixture of glucose)

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 29th day of July, 1908, in the district court of the United States for the western division of the western district of Tennessee in a proceeding of libel for condemnation of 139 cases (1,656 cans) of adulterated and misbranded molasses, wherein the United States was libelant and the White, Wilson, Drew Company of New Orleans, La., was claimant, the cause having come on for hearing, and the said claimant having failed to answer, a decree of forfeiture and condemnation was rendered by the court in form and in substance as follows:

United States District Court, Western Division of the Western District of Tennessee.

THE UNITED STATES OF AMERICA

vs.

1,656 CANS OF MOLASSES CONTAINED IN 139 CASES. }

In this cause it appearing to the court, the United States, by Casey Todd, acting United States attorney, and the White, Wilson, Drew Company of New Orleans, La., the claimants and owners of the property seized herein, by their manager, W. S. McCann, consenting thereto, that under the process issued in this cause, the 1,656 cans of molasses branded "Early Bird Brand Sugar House Molasses, put up for W. C. Early and Company, Memphis, Tenn.," and "Louisiana Sugar House Molasses and Grape Sugar in Solution Mixed," were seized by the United States marshal in the W. C. Early & Co. warehouse, in the city of Memphis, Shelby County, Tenn., and that the same were subject to seizure and confiscation by the United States, for the causes set forth in the libel herein, that is to say, for the reason that said 1,656 cans of molasses contained a large per cent of glucose, which had been substituted in part for the said molasses, and the said brands on the said cans were misleading and calculated to deceive purchasers.