

shipment by said company, under the name of O. L. Gregory Co., in violation of the Food and Drugs Act, as amended, on or about February 18, 1918, and July 18, 1917, from the State of Arkansas into the State of Oklahoma, of quantities of vinegar which was adulterated and misbranded. The vinegar shipped in February was labeled, "Ozark Cider & Vinegar Co. Sugar Vinegar, Siloam Springs, Ark." The vinegar shipped in July was labeled, in part, "Mountain Brand Apple Cider Vinegar contents approx. one pint nine ounces Manufactured by The Ozark Cider & Vinegar Co., Siloam Springs, Ark."

Analysis of a sample of the so-called sugar vinegar by the Bureau of Chemistry of this department showed that it consisted largely of distilled vinegar or dilute acetic acid. Analysis of a sample of the Mountain Brand apple cider vinegar, so called, showed that it was either distilled vinegar or dilute acetic acid artificially colored.

Adulteration of both vinegars was alleged in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for sugar vinegar or apple cider vinegar, as the case might be, which the article purported to be. Adulteration of the so-called apple cider vinegar was alleged for the further reason that it was an article inferior to apple cider vinegar, to wit, an article composed in part of either distilled vinegar or dilute acetic acid, and was artificially colored so as to simulate the appearance of apple cider vinegar and in a manner whereby its inferiority to apple cider vinegar was concealed.

Misbranding of both vinegars was alleged for the reason that the statement, to wit, "Sugar Vinegar" or "Apple Cider Vinegar," borne on the labels attached to the barrels or bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article was sugar vinegar or apple cider vinegar, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sugar vinegar or apple cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of either distilled vinegar or dilute acetic acid, and either distilled vinegar or dilute acetic acid artificially colored, as the case might be. Misbranding of the so-called Mountain Brand apple cider vinegar was alleged 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.

On December 23, 1918, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

7869. Adulteration and misbranding of alleged olive oil. U. S. * * * v. 7 Cases * * * Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9828. I. S. No. 12367-r. S. No. C-1088.)

On March 3, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 12 1-gallon cans of alleged olive oil, at Cleveland, Ohio, alleging that the article had been shipped on or about August 12, 1918, by D. Sciafani and L. Marinello, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was

labeled, "Finest Quality Table Oil (picture of olive tree and natives gathering and packing olives) * * * Termini Imerese," and, in very inconspicuous type, "Cottonseed oil slightly flavored with olive oil Oicilia-Atalia 1 gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with, and substituted wholly or in part for, the article labeled as above.

Misbranding of the article was alleged for the reason that the above-quoted statements, designs, and devices, not corrected by the statement in inconspicuous type, "Cottonseed oil slightly flavored with olive oil," were false and misleading and deceived and misled the purchaser; for the further reason that said article purported to be a foreign product, when not so; for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article, and in being labeled "1 Gallon Net," whereas examination showed an average shortage in volume of 3.6 per cent; and for the further reason that said article was food in package form, and the quantity of contents was not declared.

On March 14, 1919, Sebastiano Galamo, claimant for the product and consignee to whom it was shipped, having filed his answer to the libel confessing the allegations therein, judgment of condemnation and forfeiture was entered, and it was ordered that the product be delivered to said claimant upon payment of all costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7870. Adulteration and misbranding of blackberry, dark grape, and cherry cider. U. S. * * * v. 70 Kegs and 10 Barrels of Blackberry Cider, 70 Kegs and 10 Barrels of Dark Grape Cider, and 12 Kegs and 5 Barrels of Cherry Cider. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11852. I. S. Nos. 3479-r, 3480-r, 3481-r. S. No. W-560.)

On December 27, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 kegs and 10 barrels of blackberry cider, 70 kegs and 10 barrels of dark grape cider, and 12 kegs and 5 barrels of cherry cider, remaining unsold in the original unbroken packages at Las Vegas, N. Mex., alleging that the article had been shipped on or about August 30, 1919, by the National Fruit Products Co., Memphis, Tenn., and transported from the State of Tennessee into the State of New Mexico, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a sweetened, partially fermented apple cider containing benzoic acid or a compound thereof had been substituted wholly or in part for blackberry cider, dark grape cider, and cherry cider, respectively, and that the contents of said kegs and barrels were artificially colored in a manner whereby their artificiality was concealed.

Misbranding of the article was alleged for the reason that the contents of said kegs and barrels were imitations of and sold under the distinctive names of other articles, to wit, blackberry cider, dark grape cider, and cherry cider, respectively.

On March 27, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*