

the curative or therapeutic effects which purchasers were led to expect by the said statements, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On November 13, 1920, 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.

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

9358. Adulteration and misbranding of tomato catsup. U. S. * * * v. 76 Cases and 20 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14200, 14204. I. S. Nos. 5015-t, 5016-t. S. Nos. E-3053, E-3054.)

On January 19, 1921, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 76 cases and 20 cases of tomato catsup, remaining in the original unbroken packages at Fall River and Boston, Mass., respectively, alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 4, 1920, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Royal Kitchen * * * Tomato Catsup * * * Contents 16 Oz." (or "10 Oz.") "* * * Royal Kitchen Brand Catsup is made from selected tomatoes guaranteed free from any artificial coloring or any other injurious substances. * * * Packed By Thomas Page Albion, N. Y. * * *."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged in substance for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 29, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

9359. Adulteration and misbranding of vinegar. U. S. * * * v. 8 Cases of Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14395. I. S. No. 13158-t. S. No. E-3103.)

On February 17, 1921, the United States attorney for the District of Maine, 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 8 cases of vinegar, remaining unsold in the original unbroken packages at Augusta, Me., consigned by the Naas Cider & Vinegar Co., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., on or about July 20, 1920, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "C. C. C. Brand Reduced Cider Vinegar Made From Apples Fermented. Cascade Cider Co. * * * Net Contents 16 Fl. Oz. * * * Reduced With Water to 4% Acetic Acid Springville, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or

in part for, reduced cider vinegar made from apples fermented, and for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement appearing on the label, to wit, "C. C. C. Brand Cider Vinegar Made From Apples Fermented. Net Contents 16 Fl. Oz.," together with a design showing a red apple, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and 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 was not correct and not in correct form.

On March 12, 1921, 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.

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

9360. Misbranding of cottonseed feed. U. S. * * * v. Farmers & Ginners Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100.
(F. & D. No. 11338. I. S. No. 11631-r.)

On July 1, 1920, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers & Ginners Cotton Oil Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 27, 1918, from the State of Alabama into the State of Tennessee, of a quantity of cottonseed feed which was misbranded. The article was labeled in part, (tag) "'Kiddo' Brand Cotton-Seed Feed Manufactured By Farmers & Ginners Cotton Oil Co., Birmingham, Alabama."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 17.38 per cent of protein and 24.30 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the following statement, to wit, "Analysis Protein, 20% * * * Crude Fibre, (Max.) 22%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 20 per cent of protein and not more than 22 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein and not more than 22 per cent of crude fiber, whereas, in truth and in fact, it contained less than 20 per cent of protein and more than 22 per cent of crude fiber.

On October 11, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

9361. Adulteration of oats. U. S. * * * v. 38,400 Pounds of Oats. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 12407. Inv. No. 11079. S. No. E-2113.)

On May 10, 1920, the United States attorney for the District of New Hampshire, 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 38,400 pounds of oats, at Manchester, N. H., alleging that the