

On May 27, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9588. Adulteration and misbranding of vinegar. U. S. * * * v. 500 Cases of Alleged Apple Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14145. I. S. No. 3567-t. S. No. C-2672.)

On January 8, 1921, the United States attorney for the District of Minnesota, 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 500 cases of alleged apple cider vinegar, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped by the Niagara C. & V. Co. (Niagara Cider & Vinegar Co.), Cohocton, N. Y., on or about August 25, 1920, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Contents 1 Pint * * * Blue Bird Apple Cider Vinegar * * *"

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, the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Contents 1 Pint * * * Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser, for the further reason that the said 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.

On July 23, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9589. Adulteration and misbranding of vinegar. U. S. * * * v. 51 Barrels, 7 Barrels, and 3 Barrels of * * * Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14139, 14158, 14240. I. S. Nos. 8201-t, 5827-t. Inv. No. 24405. S. Nos. E-3037, E-3045, E-3059.)

On January 5, 8, and 24, 1921, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 51 barrels, 7 barrels, and 3 barrels of vinegar, remaining unsold in the original unbroken packages at Scranton, Lock Haven, and Galeton, Pa., respectively, alleging that the 3 barrels thereof had been shipped from Elmira, N. Y., on or about September 29, 1920, and that the remainder had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., on or about August 7 and September 16, 1920, respectively, and that the various consignments had been transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrel) "Pure Cider Vinegar Steuben Brand Made From Apples * * *"

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

part for, pure cider vinegar, and for the further reason that the article was mixed with distilled vinegar in a manner whereby its damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement on the label, "Pure Cider Vinegar * * * Made From Apples," was false and misleading and deceived and misled the purchaser in that the product was not pure cider vinegar made from apples. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On March 14, April 16, and June 25, 1921, respectively, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9590. Misbranding of beans. U. S. * * * v. Frank E. Van Citters (Decatur Produce Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 12321. I. S. Nos. 6830-r, 6831-r.)

On May 24, 1920, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank E. Van Citters, trading as the Decatur Produce Co., Decatur, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 23, 1919, from the State of Arkansas into the State of Texas, of quantities of string beans which were misbranded.

Misbranding of the article was alleged in the information for the 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 June 15, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9591. Misbranding of Blumer's herb tea. U. S. * * * v. Lincoln Chemical Works, a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 12340. I. S. No. 8108-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, 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 Lincoln Chemical Works, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 15, 1919, from the State of Illinois into the State of Nebraska, of a quantity of Blumer's herb tea which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture consisting essentially of althea, licorice, couch grass, sage, senna, elder flowers, sassafras, with small amounts of anise, fennel, melissa, American saffron, German chamomile, dandelion, liverwort, and a trace of lungwort. The weight of the contents of the boxes was 4.75 ounces, a shortage of 1.25 ounces from the declared weight, or 20.8 per cent.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Blumer's Golden Tonic Herb Tea Is an active Blood Purifier A powerful remedy against all Pulmonary Troubles, Colds, La Grippe. * * * The only remedy that is unsurpassed for Bladder And Kidney Diseases. * * * For Female Complaints and all chronic troubles * * * A Guaranteed Remedy used for Generations against all Stomach Complaints, Lung Troubles and Constitutional weaknesses," appearing on the