

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 16, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the labels on the boxes containing the product be obliterated by the United States marshal, and that the product be delivered to the Salvation Army for consumption and not for sale.

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

10246. Adulteration of oysters. U. S. * * * v. John A. White (White's Old Stand). Plea of guilty. Fine, \$15. (F. & D. No. 15441. I. S. Nos. 8733-t, 8803-t, 8804-t.)

On November 29, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John A. White, trading as White's Old Stand, Washington, D. C., alleging that on January 12 and 26 and February 25, 1921, respectively, the said defendant did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and for the further reason that a valuable constituent of the said article, to wit, oyster solids, had been in part abstracted.

On November 29, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

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

10247. Adulteration of canned salmon. U. S. * * * v. 498 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15516. I. S. No. 10922-t. S. No. W-1019.)

On November 3, 1921, the United States attorney for the Western District of Washington, 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 498 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pybus Bay Fish & Packing Co., Pybus Bay, Alaska, September 26, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pybus Bay Brand Choice Pink Alaska Salmon * * * Packed By Pybus Bay Fish and Packing Co., Cannery * * *"

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

On November 25, 1921, the Admiralty Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that the product be destroyed or sold as fertilizer, under the supervision of this department.

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

10248. Adulteration and misbranding of cider vinegar. U. S. * * * v. 15 Barrels * * * of Alleged Cider Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15541. I. S. No. 5470-t. S. No. E-3635.)

On November 7, 1921, the United States attorney for the District of Massachusetts, 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 15 barrels of alleged cider vinegar, remaining in the original unbroken packages at Lynn, Mass., alleging that the article had been shipped

by the P. Garlock Co., Newark, N. Y., on or about August 1, 1921, 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. The article was labeled in part, (barrel) "Pure Apple Cider Vinegar 40 Grain Mfg. By P. Garlock Co., Newark, N. Y. * * *."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for pure apple cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statement borne on the said barrels, regarding the article and the ingredients and substances contained therein, to wit, "Pure Apple Cider Vinegar," was false and misleading in that the said statement represented to the purchaser thereof that the article was pure apple cider vinegar, 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 was pure apple cider vinegar, whereas, in truth and in fact, the said article was not pure apple cider vinegar but was a product composed in part of waste vinegar. Misbranding was alleged for the further reason that the article was a product composed in part of waste vinegar, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure apple cider vinegar.

On December 28, 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.*

10249. Misbranding of Avalon distemper and cold compound. U. S. * * * v. 21 Bottles of Avalon Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15542. Inv. No. 31519. S. No. E-3614.)

On November 10, 1921, the United States attorney for the Eastern District of Pennsylvania, 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 21 bottles of Avalon distemper and cold compound, remaining in the original unbroken packages at Mt. Joy, Pa., consigned by the Avalon Farms Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about January 6, 1920, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of ammonium chlorid, iron chlorid, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, designs, and devices appearing in the labeling thereof, regarding the curative or therapeutic effects of the said article, to wit, (label) "* * * Distemper * * * Compound * * * Recommended for * * * strangles, distemper or shipping fever * * *" (circular) "* * * Distemper * * * Compound * * * Distemper * * * shipping fever and colt-ill * * * strangles * * * give Avalon Farms Distemper and Cold Compound * * * until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete * * *" were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied thereto with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On February 16, 1922, 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.*

10250. Misbranding of cottonseed meal and cold pressed cottonseed flake. U. S. * * * v. Osage Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$400 and costs. (F. & D. No. 14343. I. S. Nos. 12018-r, 18819-r.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against