

that the said keg contained 5 gallons net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said keg contained 5 gallons net of the article, whereas, in truth and in fact, the said keg did not contain 5 gallons net of the article but did contain a less amount. Misbranding was alleged for the further 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.

On April 4, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

10386. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15937. I. S. No. 1241-t. S. No. C-2911.)

On January 23, 1922, the United States attorney for the Eastern District of Missouri, 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 80 barrels of vinegar, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about October 1, 1921, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples * * * Manfd. By The Powell Corp., Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that it contained waste vinegar, which had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statement, "Pure Cider Vinegar made from Apples," appearing on the labels of the barrels containing the article, was false and misleading and deceived and misled the purchaser; and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 11, 1922, the F. A. Kauffmann Mfg. Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered finding the product to be liable to condemnation and forfeiture and ordering that it be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the barrels containing the article be rebranded by obliterating the statement, "Pure Cider Vinegar Made from Apples," from the labels thereof and substituting therefor the statement "Evaporated Apple Vinegar."

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

10387. Misbranding of grape jam. U. S. * * * v. 30 Cases, 8 Cases, and 75 Cases * * * of Grape Jam. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15661, 15981, 15982. I. S. Nos. 5511-t, 6729-t, 5512-t. S. Nos. E-3770, E-3778, E-3779.)

On February 13 and 16, 1922, respectively, 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 libels for the seizure and condemnation of 113 cases, each containing 2 dozen jars, of grape jam, remaining in the original unbroken packages at Cambridge, Boston, and Worcester, Mass., respectively, alleging that the article had been shipped by Schühle's Pure Grape Juice Co., Inc., Highland, N. Y., on or about September 5, October 10, and November 30, 1921, respectively, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Schühle's Pronounced Shee'ey's Grape Jam * * * Net Weight 1 Pound * * * Schühle's Pure Grape Juice Co., Inc., Highland, Ulster Co., N. Y."

Misbranding of the article was alleged in substance in the libels for the reason that the statement, "Net Weight 1 Pound," borne on each of the jars containing the article, regarding the net weight of the contents of the said jars, was false and misleading in that the said statement represented that each of the said jars contained one pound net of the said article and for the further reason that it

was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said jars contained one pound net of the said article, whereas, in truth and in fact, each of the said jars did not contain one pound net of the said article, but did contain a less amount. Misbranding was alleged for the further 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 that the said statement represented the contents of the said jars to be one pound net of the article, whereas, in truth and in fact, the said contents were less than one pound.

On March 22, 1922, Schühle's Grape Juice Co., Inc., Highland, N. Y., having entered an appearance as claimant for the property and having filed satisfactory bonds, in conformity with section 10 of the act, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

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

10388. Adulteration and misbranding of canned sauerkraut. U. S. * * * v. 613 Cases * * * of Sauerkraut. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16060, 16061. I. S. No. 18408-t. S. No. C-3438.)

On February 20, 1922, the United States attorney for the Eastern District of Missouri, 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 613 cases of canned sauerkraut, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the New Albany Canning Corp., New Albany, Ind., on or about February 2, 1922, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Indiana Home Sauer Kraut, Contents 1 Lb. 12 Oz. New Albany Canning Corporation, New Albany, Ind."

Adulteration of the article was alleged in the libel for the reason that excessive liquor had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the statement "Sauerkraut," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 3, 1922, the New Albany Canning Corp., New Albany, Ind., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of the court was entered finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the statement, "1 Lb. 12 Oz.," be obliterated from the labeling thereof and that the statement "Slack Filled Kraut" together with a statement of the correct contents of the said cans be substituted therefor.

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

10389. Adulteration of oranges. U. S. * * * v. 462 Boxes * * * of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16111, 16112. I. S. No. 3760-t. S. No. C-3514.)

On April 3, 1922, the United States attorney for the District of Nebraska, 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 462 boxes of oranges, at Omaha, Nebr., alleging that the article had been shipped by the Riverside Heights Orange Growers Assoc., Riverside, Calif., on or about March 27, 1922, and transported from the State of California into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pepper Leaf Brand W. Navels Riverside Heights Orange Growers Ass'n, Riverside, Cal."

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 vegetable substance.

On April 5, 1922, the Fruit Growers Exchange, claimant, having admitted