

whereas, in truth and in fact, the said cans did not contain one gallon net of the article but contained 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, since the net quantity stated was more than the actual contents of the said package.

On February 9, 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.*

**10546. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 433 Cases \* \* \* of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14434. I. S. No. 4172-t. S. No. C-2792.)

On February 11, 1921, 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 a libel for the seizure and condemnation of 433 cases of vinegar, at Chicago, Ill., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Inc., Cohocton, N. Y., May 20, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the bottles containing the article bore a label in words and figures as follows, to wit, "Steuben Brand Cider Vinegar Reduced to 4% Acetic Acid Made From Apples M'f'd April 1919 Net Contents One Pint Reduced Fermented \* \* \*" which statement was false and misleading in that it represented that the article consisted of fermented cider vinegar, and for the further reason that the above-quoted statement appearing on the said bottles deceived and misled the purchaser into the belief that the article was a fermented cider vinegar, whereas, in truth and in fact, it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, fermented cider vinegar.

On June 29, 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.*

**10547. Misbranding of tomatoes. U. S. \* \* \* v. James Daniel Bonds and Howard Joseph Foltz (J. D. Bonds & Co.). Pleas of guilty. Fine, \$10 and costs.** (F. & D. No. 14359. I. S. No. 11526-t.)

On April 13, 1921, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Daniel Bonds and Howard Joseph Foltz, copartners, trading as J. D. Bonds & Co., Humboldt, Tenn., alleging shipment by said defendants, on or about July 19, 1920, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Indiana, of a quantity of tomatoes 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 in terms of weight, measure, or numerical count.

On November 1, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10 and costs.

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

**10548. Misbranding of cottonseed cake. U. S. \* \* \* v. Farmers Oil & Fertilizer Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 12291. I. S. No. 12031-r.)

On June 28, 1920, the United States attorney for the Eastern District of Texas, 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 Oil & Fertilizer Co., a corporation, Texarkana, Tex., alleging shipment by said