

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the boxes containing the article and the accompanying circulars bore certain statements regarding its curative and therapeutic effect, which falsely and fraudulently represented it to be effective to restore lost manhood and to bring strong healthy sexual power, to cure weak, nervous, shaky, and unstrung conditions and impotence and weak sexual power in men, when, in fact and in truth, it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 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.*

10813. Adulteration and misbranding of vinegar. U. S. v. 53 Barrels of Alleged Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered sold and relabeled. (F. & D. No. 14078. I. S. No. 6466-t. S. No. E-2939.)

On December 18, 1920, the United States attorney for the District of New Jersey, 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 53 barrels of alleged cider vinegar at Newark, N. J., alleging that the article had been shipped on or about October 27, 1920, by the National Vinegar Co., Palatine Bridge, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel head) "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum by J. C. Vosburgh, Canajoharie, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessively diluted apple 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 the article, and for the further reason that said article had been mixed in a manner whereby inferiority had been concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that the label bore a statement regarding the article or the ingredients or substances contained therein, to wit, "N. Y. State Pure Cider Vinegar Reduced to N. Y. State Standard 4 per centum," which was false and misleading and deceived and misled the purchaser, since the analysis showed the presence of apple waste vinegar and excessive water.

On October 4, 1921, John C. Vosburgh, claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled under the supervision of this department and sold by the United States marshal, with the proviso, however, that the product might be released and restored to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$800, in conformity with section 10 of the act.

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

10814. Adulteration of shell eggs. U. S. v. John T. Tisdale et al (Tisdale Grocery). Plea of guilty. Fine, \$25. (F. & D. No. 14303. I. S. No. 444-t.)

On October 18, 1921, the United States attorney for the Northern 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 John T. Tisdale and Nancy Elizabeth Tisdale, trading as Tisdale Grocery, Dodsonville, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 28, 1920, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article, consisting of 360 eggs, showed the presence of 96 decomposed eggs, or 26.6 per cent, consisting of mixed or white rots and blood rings.

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

On June 6, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

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