

13386. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15481. I. S. No. 8090-t. S. No. E-3608).

On October 17, 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 praying the seizure and condemnation of 80 barrels of vinegar, remaining in the original unbroken packages at Lancaster, Pa., consigned by the Douglas Packing Co., from Canastota, N. Y., alleging that the article had been shipped on or about September 22, 1921, and 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) "Douglas Packing Co. York State Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, evaporated or dried apple products vinegar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged in substance for the reason that the barrels enclosing the article contained labels bearing certain statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading, in that the said statements represented that the barrels contained "Apple Cider Vinegar Made From Selected Apples," when in fact they did not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 8, 1925, the Douglas Packing Co. (Inc.), Rochester, N. Y., having appeared as claimant for the property, judgment 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 \$325, in conformity with section 10 of the act, conditioned in part that it be relabeled in accordance with the ruling of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13387. Adulteration of canned sardines. U. S. v. 400 Cases of Sardines. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19110. I. S. No. 23012-v. S. No. C-4039.)

On October 30, 1924, 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 praying the seizure and condemnation of 400 cases of sardines, at Omaha, Nebr., alleging that the article had been shipped by the Johnson Bay Canning Co., Lubec, Me., on or about June 25, 1924, and transported from the State of Maine into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Columbian Brand American Sardines * * * Packed At Lubec, * * * Me. By Columbian Canning Co."

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

On May 15, 1925, the Johnson Bay Canning Co., Lubec, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated and ordering its release to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the good portion released without condition.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13388. Misbranding of butter. U. S. v. 6 Barrels of Mess Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20036. I. S. No. 20466-v. S. No. W-1693.)

On April 4, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 6 barrels of mess butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on or about April 4, 1925, the article was being shipped in interstate commerce by Sheer (Scheer) & Co., San Francisco, Calif., from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pacific Creamery Net Weight 2 Lbs. Pasteurized Butter Scheer & Company Sole Agents, San Francisco, California."

Misbranding of the article was alleged in the libel for the reason that the package containing the said article was labeled "Net Weight 2 Lbs," whereas it contained a less quantity.

On May 14, 1925, Scheer & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment 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 \$500, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13389. Adulteration and misbranding of butter. U. S. v. Western Meat Co.
Plea of guilty. Fine, \$100. (F. & D. No. 17606. I. S. Nos. 8005-v,
'8694-v.)

On or about November 19, 1923, the United States attorney for the Northern District of California, 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 Western Meat Co., a corporation, San Francisco, Calif., alleging that on or about February 16, 1923, the said company delivered for shipment from the State of California into the Territory of Hawaii a quantity of butter which was adulterated and misbranded in violation of the food and drugs act, and that on or about March 5, 1923, the said company shipped from the State of California into the Territory of Hawaii a quantity of butter which was misbranded in violation of said act as amended. The article was labeled in part: "Fort Sutter Brand Creamery Butter * * * 1 Lb. Net Weight."

Analysis by the Bureau of Chemistry of this department of a sample from the product delivered for shipment February 16, 1923, showed that the said sample contained 79.42 per cent of milk fat and 16.05 per cent of moisture. Examination by said bureau of 305 cartons from the shipment of March 5, 1923, showed an average net weight of 15.71 ounces.

Adulteration was alleged with respect to a portion of the article for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted in whole or in part for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the said portion for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist but did consist in whole or in part of a product deficient in milk fat and containing an excessive amount of moisture.

Misbranding was alleged with respect to the remainder of the article for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, 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 said packages contained 1 pound net weight of butter, whereas each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged with respect to the said portion 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 December 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*