

## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 13651-13700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1925]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13651. Misbranding and alleged adulteration of vinegar. U. S. v. 36 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15483. I. S. No. 218-t. S. No. C-3267.)

On October 18, 1921, the United States attorney for the Eastern 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 praying the seizure and condemnation of 36 barrels of vinegar, remaining in the original unbroken packages at Robinson, Ill., consigned by the Douglas Packing Co., alleging that the article had been shipped from Canastota, N. Y., on or about August 22, 1921, 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. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar Made From Selected Apples" so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples" was false and misleading and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said article contained barium.

On December 13, 1924, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and the case having been submitted to the court for final determination, a decree was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13652. Adulteration of canned salmon. U. S. v. 194 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17022, 17023, 17024, 17105, 17106. I. S. Nos. 1263-v to 1266-v, incl., 1275-v to 1278-v, incl. S. Nos. E-4237, E-4255.)

On or about December 26 and 29, 1922, and January 2, 9, and 20, 1923, respectively, the United States attorney for the Southern District of West Virginia,

acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,671 cases of canned salmon, in various lots at Princeton, Welch, and Keystone, W. Va., respectively, alleging that the article had been shipped by the Canadian Bank of Commerce, from British Columbia, in part October 22, 1922, and in part during November, 1922, and had been transported from a foreign country into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Beauclaire Brand Alaska Chum Salmon" (or "Blanchard Brand Alaska Pink Salmon") "Packed By Beauclaire Packing Co., Port Beauclerc, Alaska."

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

On June 13, 1925, the Beauclaire Packing Co., Port Beauclerc, Alaska, having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,500, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be shipped to Seattle, Wash., and segregated and reconditioned under the supervision of this department, and the portion found fit for human consumption released and the remainder disposed of in accordance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13653. Adulteration and misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19880. I. S. No. 13597-v. S. No. E-5161.)**

On March 11, 1925, the United States attorney for the District of Connecticut, 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 24 cases of evaporated apples, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Gilbert Apple Products Co., Brighton, N. Y., on or about January 2, 1925, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cook Well Brand New York State Evaporated Apples Packed By Gilbert Apple Products Co. Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels of the cases containing the article bore the statement "Evaporated Apples," which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13654. Misbranding and alleged adulteration of vinegar. U. S. v. 54 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15407. I. S. No. 319-t. S. No. C-3250.)**

On October 1, 1921, the United States attorney for the Eastern District of Wisconsin, 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 54 barrels of vinegar, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Douglas Packing Co., Rochester, N. Y., on or about August 24, 1921, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y. Guaranteed to Comply With All Pure Food Laws."