

Adulteration of the article was alleged in the libel for the reason that a product made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for apple cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore the statements: "Apple Cider Vinegar Made From Selected Apples. Guaranteed To Comply With All Pure Food Laws," which was false and misleading, in that the said article was not cider vinegar but was a mixture of vinegar made from evaporated and dried apples. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On April 18, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and the case having been submitted to the court on the pleadings and statements of attorneys, 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 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.

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

**13655. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 12 Cases and 8½ Cases of Tuna Fish. Default decrees of destruction.** (F. & D. Nos. 19962, 19963. I. S. Nos. 14740-v, 14742-v. S. No. C-4699.)

On April 3, 1925, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 20½ cases of tuna fish, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in various consignments, namely, on or about December 11, 1924, and February 19 and 20, 1925, respectively, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality \* \* \* Juanita Brand California Tuna Standard All Light Meat."

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

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

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

**13656. Misbranding of butter. U. S. v. 177 Prints of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 19845. I. S. No. 17407-v. S. No. E-5142.)

On March 2, 1925, the United States attorney for the District of Maryland, 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 177 prints of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Fred C. Mansfield Co., from Princeton, Wis., February 3, 1925, and transported from the State of Wisconsin into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

Misbranding was alleged for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further 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 April 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal remove the labels and sell the product by the pound.

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

**13657. Adulteration of canned salmon. U. S. v. 450 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18067. I. S. No. 7182-v. S. No. C-4198.)

On November 23, 1923, the United States attorney for the Southern District of Mississippi, 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 450 cases of salmon, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about September 10, 1923, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Higrade Brand Pink Alaska Salmon \* \* \* Packed in Alaska By Sea Coast Packing Co. Seattle, Wash."

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 November 15, 1924, the Sea Coast Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel 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 \$2,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and the adulterated portion be destroyed and the remainder released.

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

**13658. Adulteration and misbranding of butter. U. S. v. 11 Tubs and 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20263. I. S. No. 22418-v. S. No. E-5419.)

On July 3, 1925, the United States attorney for the Southern District of New York, 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 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Erdahl Creamery Co., Erdahl, Minn., on or about June 23, 1925, and transported from the State of Minnesota into the State of New York, 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 a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 25, 1925, Edward Gulsvig, trading as Erdahl Creamery Co., Erdahl, Minn., having appeared as claimant for the property and having admitted the allegations of the libel and 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 \$600, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

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

**13659. Misbranding of butter. U. S. v. Earle K. Eby, Andrew C. Nichols, and John G. Vess (Western Creamery Co.). Pleas of guilty. Fine, \$25.** (F. & D. No. 19290. I. S. No. 18249-v.)

On June 24, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Earle K. Eby, Andrew C. Nichols, and John G. Vess, copartners, trading as Western Creamery Co., Kansas City, Mo., alleging shipment by said defendants.