

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to reduce, 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 for the reason that the article was offered for sale under the distinctive name of another article, to wit, apple cider vinegar, and for the further reason that it 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 label contained certain statements regarding the ingredients of the said article, namely, "Apple Cider Vinegar Made From Selected Apples," which were false and misleading, in that the article contained a certain chemical and foreign substance, namely, barium.

On September 30, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14263. Adulteration of tomato puree. U. S. v. 500 Cases and 40 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20648. I. S. Nos. 2023-x, 2024-x. S. No. C-4875.)

On November 23, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 540 cases of tomato puree, remaining in the original packages at Covington, Ky., consigned by the Lapel Canning Co., Lapel, Ind., alleging that the article had been shipped in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Lapel Brand Tomato Puree * * * Packed By Lapel Canning Co. Lapel, Indiana."

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

On May 13, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14264. Adulteration and misbranding of tomato pulp. U. S. v. 148 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20965. I. S. No. 4386-x. S. No. C-5053.)

On March 22, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 148 cases of tomato pulp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Frankton Ideal Canning Co., Frankton, Ind., on or about February 2, 1926, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Ferry Brand Tomato Pulp Contents 10½ Oz." (or "Contents 11 Oz.").

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

Misbranding of the 11-ounce cans was alleged for the reason that the statement "Contents 11 Oz.," borne on the label, 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 May 11, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*