

label) "Made from \* \* \* ripe tomatoes, sugar, vinegar, salt, onions, garlic, and spices," (neck label) "Guaranteed Pure. Contains no Artificial Color or Preservative," (portion of tomato catsup, bottle label) "Tomato Catsup," (bottle and neck label) "Made from \* \* \* Ripe tomatoes, sugar, vinegar, salt, onions, garlic, and spices," (neck label) "We guarantee this Catsup to be Absolutely Pure. No Preservative or Artificial coloring," which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to a portion of the said tomato catsup for the further reason that it was offered for sale under the distinctive name of another article.

On March 5, 1928, Greenbaum Bros. (Inc.), Seaford, Del., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that they be reshipped to the claimant's place of business at Seaford, Del., to be relabeled or repacked so that they meet the requirements of the Federal food and drugs act. On June 18, 1928, the decrees were amended to permit the use of the canned tomatoes in the manufacture of chili sauce.

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

**16160. Misbranding of butter. U. S. v. 6 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22757. I. S. No. 20474-x. S. No. 835.)**

On May 5, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 6 cases of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the De Soto Creamery & Produce Co., from Minneapolis, Minn., April 26, 1928, and transported from the State of Minnesota into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Packages) "Net Weight One Pound."

It was alleged in the libel that the article was misbranded in that the statement "One Pound Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1928, the De Soto Creamery & Produce Co., Minneapolis, Minn., 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 to be reconditioned to meet the requirements of the Federal food and drugs act, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

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

**16161. Adulteration and misbranding of vinegar. U. S. v. 177 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 23097, 23098. I. S. Nos. 02212, 02214. S. No. 1193.)**

On September 22, 1928, the United States attorney for the Middle District of Georgia, 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 177 cases of vinegar, remaining in the original unbroken packages at Macon Ga., alleging that the article had been shipped by Knadler & Lucas (Inc.), Louisville, Ky., May 22, 1928, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Everybody's Colored Distilled Vinegar \* \* \* Bottled by Knadler & Lucas, Incorporated, Louisville, Ky."

It was alleged in the libel that the article was adulterated in that water had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the package or label bore a statement regarding the article or the ingredients or substances contained therein which was false and misleading and deceived and misled the purchaser, as follows: "Everybody's Colored Distilled Vinegar reduced to 4% Acetic Strength."

On November 21, 1928, 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.*

**16162. Misbranding of sirup. U. S. v. 6 Cases of Sirup. Tried to the court and jury. Special verdict for the Government. Decree of condemnation and forfeiture. Product ordered sold or released under bond to be relabeled.** (F. & D. No. 22709. I. S. No. 17923-x. S. No. 728.)

On April 19, 1928, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on June 13, 1928, an amended libel, praying seizure and condemnation of 6 cases, each containing a number of cans of sirup, remaining in the original unbroken packages at Evanston, Wyo., alleging that the article had been shipped from the Early Coffee Co., Denver, Colo., on or about November 15, 1927, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel as amended that the article contained in the said cans was misbranded so as to deceive and mislead the purchaser in that the cans were labeled in part, "Maple Maid Syrup. Made from pure, refined maple sugar. Manufactured by The Maple Maid Syrup Company, Denver," and bore a design showing a grove or woods of maple trees with buckets hanging from spiles in the trees, and a figure of a woman in the said grove or woods carrying maple-sap buckets, which statements and designs were intended to represent to purchasers that the contents of the said cans were pure maple sirup; whereas it was not maple sirup, but sugar sirup and glucose had been mixed and packed with and substituted in part for maple sirup. 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, to wit, maple sirup.

On November 28, 1928, the Early Coffee Co., Denver, Colo., having intervened as claimant, and having filed an answer denying that the product was misbranded, the case came on for trial before the court and jury. After hearing the evidence, arguments by counsel, and instructions of the court, the jury retired and after due deliberation returned a special verdict that the labels on the sirup were misleading. On December 27, 1928, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. The decree provided, however, that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this department.

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

**16163. Misbranding of flavoring sirups. U. S. v. 57 Kegs of Sirup, et al. Product adjudged misbranded. Released under bond.** (F. & D. No. 21810. I. S. Nos. 17096-x, 17097, 17098-x. S. No. W-2135.)

On April 11, 1927, the United States attorney for the Southern 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 seizure and condemnation of 140 kegs of flavoring sirups, remaining in the original unbroken packages at Fresno, Calif., alleging that the articles had been shipped by Lyons Bros., from Eagle Fort, Texas, on or about October 29, 1926, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, variously: "Mexican Hot (or "Muscatel Imitation Punch" or "Peach Imitation Punch") Artificially Colored and Flavored."

It was alleged in the libel that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 1, 1929, the products having been theretofore released to the claimant, Lyons Bros., Dallas, Tex., under bond, and having been relabeled to