

21465. Adulteration and misbranding of imitation lemon. U. S. v. 360 Bottles of Imitation Lemon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30824. Sample no. 41941-A.)

This case involved a shipment of imitation lemon which was artificially colored and which was so deficient in the flavoring substances normal to such product as to be almost worthless as a flavoring agent. The statement of the quantity of the contents borne on the label was not made in terms of liquid measure.

On August 5, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bottles of imitation lemon at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 27, 1933, by the John H. Evans Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Duchess Imitation Lemon."

It was alleged in the libel that the article was adulterated in that an artificially colored water containing much less than the normal amount of flavor had been substituted for imitation lemon. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the bottle label, "Imitation Lemon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, 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, since the statement made was not expressed in terms of liquid measure.

On September 6, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21466. Misbranding of vinegar. U. S. v. 36 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 30685. Sample nos. 35999-A, 42061-A.)

This case involved a shipment of bottled vinegar. Sample bottles taken from the shipment were found to contain less than 1 pint, the declared volume.

On July 3, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of vinegar at Pueblo, Colo., consigned by the Speas Manufacturing Co., alleging that the article had been shipped in interstate commerce on or about March 21, 1933, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Solitaire Pure Apple Cider Vinegar. Contents 1 Pint."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pint", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 28, 1933, 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 delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

21467. Misbranding of butter. U. S. v. 329 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30722. Sample nos. 16823-A, 33672-A, 33674-A, 33675-A.)

This case involved a shipment of butter. Sample cartons taken from the lot were found to contain less than 1 pound, the labeled weight. The article was also falsely labeled as to the name of the manufacturer.

On or about July 5, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 329 cases of

butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 26, June 16, June 24, and June 29, 1933, by the Macon Creamery Co., from Macon, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "1 Lb. Net Weight Jasmine Pasteurized Roll Butter Morning Glory Creameries, Inc. * * * Houston, Texas."

It was alleged in the libel that the article was misbranded in that the statements, "One Pound Net Weight" and "Morning Glory Creameries, Inc.", were false and misleading, since the packages contained less than 1 pound, and the Morning Glory Creameries were not the manufacturers of the butter. 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, since the statement on the package was not correct.

On September 7, 1933, the Macon Creamery Co., Macon, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be repacked and relabeled so that it comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21468. Adulteration and misbranding of soybean oil meal. U. S. v. 135 Bags of Soybean Oil Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30686. Sample no. 24102-A.)

This case involved a shipment of soybean meal which was found to contain added cottonseed meal. The sacks taken from the shipment and weighed were found to contain less than the declared weight, 100 pounds.

On July 1, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bags of soybean oil meal at Mexico, Mo., alleging that the article had been shipped in interstate commerce, in part on or about April 15, 1933, and in part on or about April 25, 1933, by the Wm. Pollock Mill & Elevator Co., from Centerville, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One hundred Lbs. net weight Standard Soy Bean Mills Soy Bean Oil Meal Centerville Iowa."

It was alleged in the libel that the article was adulterated in that cottonseed meal had been substituted in part for the article.

Misbranding was alleged for the reason that the statements on the label, "100 lbs net * * * Soy Bean Meal", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21469. Adulteration and misbranding of coffee. U. S. v. 5 Drums and 5 Drums of Coffee. Default decree of condemnation and destruction. (F. & D. no. 30739. Sample nos. 39863-A, 39864-A.)

This case involved a product represented to be coffee which was found to consist of coffee and rye or other cereal.

On July 19, 1933, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 27½-pound and five 55-pound drums of alleged coffee at Lumberton, N.C., alleging that the article had been shipped in interstate commerce on or about June 20, 1933, by the Florence Coffee Co., from Florence, S.C., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Lid of drum) "Pee Dee"; (tag) "Florence Coffee Co. Florence, S.C."

It was alleged in the label that the article was adulterated in that a mixture of coffee and rye or other cereal had been substituted for coffee.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, coffee.