

when it was not; for the further reason that it was imitation of, and was offered for sale under the distinctive name of, another article; for the further reason that it purported to be a foreign product, when not so, and in being labeled "Net Contents One Gallon," and "Net Contents One-half Gallon," respectively, whereas examination showed an average shortage in volume of 4.3 and 0.6 per cent, respectively; and for the further reason that it was food in package form, and the quantity of the contents was not declared.

On June 30, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal in the manner and form provided by law.

E. D. BALL, *Acting Secretary of Agriculture.*

**7170. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 43 Cases, 18 Half-barrels, and 42 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 9827. I. S. Nos. 16275-r, 16276-r, 16277-r. S. No. E-1254.)

On March 5, 1919, the United States attorney for the Northern 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 for the seizure and condemnation of 43 cases, each containing 2 dozen packages, 18 half-barrels, and 42 cases, each containing 1 dozen packages of so-called apple cider vinegar, remaining unsold in the original unbroken packages, at Rome, Ga., alleging that the article had been shipped on or about September 3, 1918, by the Republic Preserving Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, respectively, "Blue Jay Brand Pure Apple Cider Vinegar," "Apple Cider Vinegar 40 grain strength," and "Dawson Brand Pure Apple Cider Vinegar Reduced to 4 % acetic strength."

Adulteration of the article was alleged in the libel for the reason that dilute acetic acid, or distilled vinegar, and water colored with caramel, had been mixed and packed with, and substituted wholly for, cider vinegar, and for the further reason that it had been colored with caramel in a manner whereby its impurity [inferiority] to cider vinegar was concealed.

Misbranding of the article was alleged for the reason that the statements borne on the labels, regarding the article, to wit, "Pure Apple Cider Vinegar," "Apple Cider Vinegar 40 grain strength," and "Pure Apple Cider Vinegar Reduced to 4% acetic strength," were false and misleading and deceived the purchaser and produced in his mind the belief that the product was pure apple cider vinegar, or apple cider vinegar, 40 grain strength, or pure apple cider vinegar reduced to 4 per cent acetic strength, whereas, in fact, it was not, and for the further reason in substance that it was offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar, or apple cider vinegar, 40 grain strength, or pure apple cider vinegar reduced to 4 per cent acetic strength.

On June 13, 1919, the McWilliams Feed and Grocery Co., Rome, Ga., claimant, having admitted the truth of the allegations contained in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the 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, con-

ditioned in part that the product should be relabeled as imitation vinegar, and should be fortified with distilled vinegar to a strength of at least 4 grams per 100 cc.

E. D. BALL, *Acting Secretary of Agriculture,*

**7171. Misbranding of cheese. U. S. \* \* \* v. 13 Cartons of Cheese. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9948. I. S. Nos. 7073-r, 7074-r, 7075-r, 7851-r. S. No. C-1129.)

On March 26, 1919, 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 for the seizure and condemnation of 13 cartons of cheese, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about February 24, 1919, by J. L. Kraft & Bros. Co., Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was variously labeled, "Elkhorn Swiss Cheese," "Elkhorn Roquefort American Cheese," "Elkhorn Kraft Cheese—Pimento Flavor," and "Elkhorn Kraft Cheese—American Cheddar," and in each case, "J. L. Kraft & Bros. Co., Chicago-New York."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans containing the article bore the statement that each can contained  $\frac{1}{4}$  pound of cheese, which was false and misleading, inasmuch as the contents of the tin cans were materially less than that amount, averaging [in percentage] from 4.75 per cent to 7.25 per cent shortage in weight, and for the further reason that the statement, to wit, "Contents One-quarter Pound," deceived and misled the purchaser. Misbranding of the article was alleged 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 packages and upon each can in terms of weight, since the amount stated was not a correct statement of the quantity of food contained in each package or can, and that said contents contained a substantially smaller quantity and weight of food than was stated on each package or can.

On May 10, 1919, the said J. L. Kraft & Bros. Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7172. Adulteration of oranges. U. S. \* \* \* v. 637 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9923. I. S. No. 13413-r. S. No. E-1271.)

On March 19, 1919, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 637 boxes of oranges, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about March 6, 1919, by the Sparr Fruit Co., Corona, Cal., and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.