

S437. Adulteration and misbranding of vinegar. U. S. * * * v. James M. Kistler (Kistler Vinegar Works). Plea of nolo contendere. Fine, \$10. (F. & D. No. 11945. I. S. No. 7921-r.)

On March 11, 1920, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James M. Kistler, trading as the Kistler Vinegar Works, Stroudsburg, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 28, 1919, from the State of Pennsylvania into the State of Kentucky, of a quantity of an article, labeled in part "Northern Spy Brand Pure Fermented Apple Cider Vinegar Reduced to (40) Grains Acid Strength, J. M. Kistler, Propr. Stroudsburg, Pa.," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was low in acid strength.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for pure fermented apple cider vinegar reduced to 40 grains acid strength, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Fermented Apple Cider Vinegar Reduced to (40) Grains Acid Strength," borne on the barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article was pure fermented apple cider vinegar, reduced to 40 grains acid strength, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure fermented apple cider vinegar reduced to 40 grains acid strength, whereas, in truth and in fact, said article was not pure fermented apple cider vinegar reduced to 40 grains acid strength, but was a product reduced to less than 40 grains acid strength. 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 April 26, 1920, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10.

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

S438. Adulteration and misbranding of canned salmon. U. S. * * * v. 1,386 Cases of Everybody's Brand Alaska Pink Salmon and 446 Cases of Table Pride Brand Alaska Salmon. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 12530, 12531. I. S. Nos. 3412-r, 3413-r. S. No. W-590.)

On March 29, 1920, the United States attorney for the Western District of Washington, 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 1,386 cases of an article, labeled in part "Everybody's Brand Alaska Pink Salmon" and 446 cases of an article, labeled in part "Table Pride Brand Alaska Salmon," remaining in the original unbroken packages, at Seattle, Wash., alleging that the article had been shipped by the Columbia Salmon Co., Seattle, Wash., from Tenakee Inlet, Alaska, November 24, 1919, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article, with respect to both brands, was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged with respect to the article labeled in part, "Everybody's Brand Alaska Pink Salmon," for the reason that the statement on the label, "Fresh Salmon," was false and misleading and deceived and misled the purchaser since the product was partly decomposed.

On July 15, 1920, the Columbia Salmon Co., a corporation, claimant, Seattle, Wash., having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act, conditioned in part that said claimant separate the good portion from the bad under the supervision of a representative of this department, and that the bad portion of said product be destroyed.

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

8439. Adulteration and misbranding of honey. U. S. * * * v. Swift & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 12809. I. S. No. 2797-r.)

On August 18, 1920, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, doing business at Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 30, 1919, from the State of Oregon into the State of Washington, of a quantity of an article, labeled in part "Queen Bee Brand California Honey * * * California Honey Company, Portland, Oregon," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained about 35 per cent of commercial glucose.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, commercial glucose, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for honey, which the article purported to be.

Misbranding was alleged for the reason that the statement "Honey," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of honey, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article consisted wholly of honey, whereas, in truth and in fact, it did not so consist, but consisted in part of commercial glucose.

On August 26, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

8440. Adulteration of tomato catsup. U. S. * * * v. 881 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8581. S. No. E-913.)

On November 9, 1917, the United States attorney for the Middle 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 881 cases of tomato catsup, at Scranton, Pa., alleging that the article was shipped on or about September 21, 1917, by the Monmouth Seed