

District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of tankage, remaining unsold in the original unbroken packages at Brookings, S. Dak., alleging that the article had been shipped by Jacob E. Decker & Sons, Mason City, Iowa, on or about April 8, 1920, and transported from the State of Iowa into the State of South Dakota, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 57.41 per cent of protein.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements appearing on the sacks containing the article and on the tags attached to said sacks, regarding the ingredients and substances contained therein, were false and misleading in that the statement on the sacks, "Guaranteed Analysis Protein 60%," and the statement on each tag, "Decker's Protofoed Seal Guaranteed 60% protein," were false and untrue, since the amount of protein contained in the said article was less than 60 per cent.

On September 3, 1920, Jacob E. Decker & Sons, Mason City, Iowa, claimant, having paid the cost of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be not sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, it was ordered by the court that the product be released to said claimant and that the proceedings be dismissed.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9497. Adulteration and misbranding of vinegar. U. S. * * * v. 29 Barrels and 407 Cases * * * of Alleged Cider Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14289. I. S. Nos. 5426-t, 5250-t. S. No. E-3124.)

On February 14, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel against 29 barrels and 407 cases of alleged cider vinegar, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Naas Cider & Vinegar Co., Cohocton, N. Y., on or about September 24 and August 26, 1920, respectively, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for pure cider vinegar, which the said article purported to be. Adulteration was alleged for the further reason that distilled vinegar had been mixed with the said article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the following statements, appearing on the barrels and bottles containing the article, regarding it and the ingredients contained therein, to wit, (barrels) "Pure Cider Vinegar * * * Made From Apples," (bottles) "Steuben Brand * * * Reduced Cider Vinegar Fermented Naas Cider & Vinegar Co., Inc. * * * Net Contents One Pint" (pictorial representation of a red apple), were false and misleading in that they represented to the purchaser thereof that the article was pure cider vinegar, and for the further reason that the article was labeled as afore-said so as to deceive and mislead the purchaser thereof into the belief that it was pure cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of distilled vinegar. Misbranding was alleged for the further reason that the article was a product composed in part of distilled

vinegar, prepared in imitation of pure cider vinegar, and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar. Misbranding was alleged with respect to the product contained in the 407 cases 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 correct in that the said contents were stated as one pint, whereas the average net contents were 15.5 fluid ounces, or an average shortage of 3 per cent.

On June 1, 1921, the Naas Cider & Vinegar Co., Conocton, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation 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.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9498. Adulteration of kraut. U. S. * * * v. 600 Cases * * * of Kraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14676. I. S. No. 1089-t. S. No. C-2895.)

On March 26, 1921, the United States attorney for the Northern District of Illinois, 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 600 cases, more or less, each containing 24 cans, of kraut, at Chicago, Ill., alleging that the article had been shipped by the Fremont Canning Co., Fremont, Mich., on January 12, 1921, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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 20, 1921, 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.

C. W. PUGSLEY,
Acting Secretary of Agriculture.

9499. Adulteration and misbranding of cumin seed. U. S. * * * v. 48 Pounds * * * of Comino (Cumin) Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14678. I. S. No. 3751-t. S. No. C-2897.)

On March 28, 1921, the United States attorney for the Eastern District of Arkansas, 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 48 pounds of comino (cumin) seed, at Little Rock, Ark., consigned by J. Armengol, Laredo, Tex., alleging that the article had been shipped from Laredo, Tex., on February 21, 1921, and transported from the State of Texas into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that sand and grit had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged for the reason that the said article was offered for sale under the distinctive name of another article.

On April 26, 1921, 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.

C. W. PUGSLEY,
Acting Secretary of Agriculture.