

Nerve Pains of Rheumatic Origin * * *," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On August 5, 1922, 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.*

10788. Misbranding of cane and maple sirup. U. S. v. 1740 Cans of Cane and Maple Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16375, 16376. I. S. Nos. 13920-t, 13921-t, 13922-t, 13923-t. S. Nos. W-1094, W-1095.)

On June 9, 1922, 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 for the seizure and condemnation of 1740 cans of cane and maple sirup, remaining unsold in the original unbroken packages at Cheyenne, Wyo., alleging that the article had been shipped on or about October 1, 1920, from Denver, Colo., and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "A No 1 Vincent's Leader Cane and Maple Sirup Vincent 10 Lbs. Net" (or "5 Lbs. net" or "2½ Lbs. Net") "Vincent Syrup Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statement upon the labels of the cans was false and misleading, in that the net contents of each of said cans was not 10 full pounds or 5 full pounds or 2½ full pounds, but, in truth and in fact, was less than 10 full pounds, 5 full pounds or 2½ full pounds, as the case might be, and for the further reason that said article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure, but was so marked as to deceive and mislead the purchaser, and purported to contain 10 full pounds, 5 full pounds, and 2½ full pounds, respectively, whereas, in truth and in fact, said packages did not contain 10 full pounds, 5 full pounds or 2½ full pounds, respectively.

On July 24, 1922, the matter coming on to be heard, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal at public auction to the highest bidder. It was further ordered, however, that upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, the product might be delivered to the owner thereof. On August 2, 1922, the Vincent Syrup Co. of Denver, Colo., tendered its bond in the sum of \$500, in accordance with the provisions of the decree of the court, and was permitted to withdraw the product upon payment of the costs of the proceedings. It was ordered by the court, however, that the product should be relabeled so as to show the true quantity of the contents of the cans before the same should be offered for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10789. Adulteration and misbranding of vinegar. U. S. v. 14 Barrels, et al, of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16377, 16381, 16397. I. S. Nos. 6083-t, 15029-t, 15031-t. S. Nos. E-3891, E-3897, E-3953.)

On June 3, 9, and 19, 1922, respectively, 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 libels for the seizure and condemnation of 133 barrels of vinegar, remaining in the original unbroken packages, in part at Pittsburgh and in part at New Castle, Pa., alleging that the article had been shipped by the National Vinegar Co. from Brocton, N. Y., between the dates of May 3 and May 19, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made from Apples * * * Distributed by National Vinegar Company, Buffalo, N. Y."

Adulteration of the article was alleged in substance in the libels for the reason that distilled vinegar, with respect to a portion of the product, and distilled vinegar and vinegar made from evaporated apple products, with respect to the remainder thereof, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.