

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.

Misbranding was alleged in substance for the reason that the statement "Pure Cider Vinegar made from Apples * * *," appearing in the labeling of the article, was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, "Pure Cider Vinegar Made from Apples."

On August 3, 1922, the Brocton Products Co., Brocton, N. Y., claimant, having admitted the allegations of the libels, with the exception of the allegations which charge adulteration, and having consented to the entry of a decree, judgment of the court was entered, declaring the product to be adulterated and ordering its condemnation and providing that it be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$1,500, in conformity with section 10 of the act.

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

10790. Misbranding of cottonseed cake and meal. U. S. v. Harry W. Sheckley, et al (Industrial Cotton Oil Properties). Plea of guilty. Fine, \$25. (F. & D. No. 14904. I. S. No. 18818-r.)

On May 29, 1922, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry W. Sheckley, William O. Thompson, and Cecil O. Phillips, all of New York, N. Y., Herbert E. Wells, Columbia, S. C., and Elliott B. Church, Boston, Mass., trading under the name of Industrial Cotton Oil Properties, Seguin, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 29, 1920, from the State of Texas into the State of Kansas, of a quantity of Rabbitfoot Brand cottonseed cake and meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of 41.43 per cent of crude protein.

Misbranding of the article was alleged for the reason that the statement "Guaranteed Analysis—Protein not less than 43%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained not less than 43 per cent of protein, and for the further reason that the said article was labeled as aforesaid so as to mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 41.43 per cent of protein.

On June 8, 1922, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25.

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

10791. Adulteration and misbranding of olive oil. U. S. v. 1 Barrel of Olive Oil. Decree of condemnation. Product released on bond. (F. & D. No. 15301. I. S. No. 12151-t. S. No. E-3520.)

On August 5, 1921, the United States attorney for the District of New Hampshire, 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 barrel of olive oil, at Somersworth, N. H., alleging that the article had been shipped on or about May 7, 1921, by the Alpha Importing Co., New York, N. Y., and transported from the State of New York into the State of New Hampshire, 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 cottonseed oil had been mixed and packed therewith and substituted wholly or in part for olive oil, and for the further reason that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the article purporting to be olive oil and offered for sale as such was an imitation of and 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.

On August 29, 1921, James Kirkes, claimant, having filed a bond in the sum of \$100, in conformity with section 10 of the act, it was ordered by the court that the product might be released to said claimant, upon the payment of the costs of the proceedings, and upon condition that the product be so branded and marked as to show compliance with the provisions of the Food and Drugs Act if again offered for sale.

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