

11323. Misbranding of pickles. U. S. v. 7 Cases of Pickles. Consent decree providing for release of product under bond. (F. & D. No. 17037. I. S. No. 8089-v. S. No. W-1255.)

On December 14, 1922, the United States attorney for the District of Nevada, 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 7 cases of pickles at Reno, Nev., alleging that the article had been shipped by the California Conserving Co., Oakland, Calif., on or about May 8, 1920, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The California Home Brand Sweet Mixed Pickles * * * Total Contents 13 Oz. Drained Contents 9 Oz. * * * Guaranteed by California Conserving Co."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the said cans that the total contents of each can was 13 ounces and that the drained contents of each can was 9 ounces was false and misleading and deceived and misled the purchaser. 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 February 23, 1923, the California Conserving Co., Oakland, Calif., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered finding that the facts alleged in the libel of condemnation had been established, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled so as to comply with the requirements of the said act.

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

11324. Misbranding of vinegar. U. S. v. 35 Barrels, et al., of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17048, 17049, 17050, 17051, 17057, 17084. I. S. Nos. 6422-v, 6423-v, 6424-v, 6425-v, 6427-v, 6428-v. S. Nos. C-3846, C-3847, C-3848, C-3849, C-3852, C-3853.)

On or about December 21, 22, 23, and 26, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 193 barrels of vinegar, remaining unsold in the original unbroken containers in various lots at Neosho, Springfield, Aurora, Monett, and Carthage, Mo., respectively, alleging that the article had been shipped by the Ozark Cider & Vinegar Co., Rogers, Ark., between the dates of August 11 and November 7, 1922, and transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: (Barrels) "Valley Brand Evaporated Apple Vinegar Contents 55 Gal. The Ozark Cider & Vinegar Company Rogers, Arkansas;" "Green Ribbon Brand * * * Cider Vinegar Contents 55 Gal.;" "The Ozark Cider & Vinegar Company Mountain Brand Apple Cider Vinegar Contents 55 Gal. Rogers Arkansas;" "Evaporated Apple Vinegar Contents 55 Gal."

Misbranding of the article was alleged in substance in the libels for the reason that the statement appearing on the labels of the barrels containing the article, "Contents 55 Gal.," was false and misleading and deceived and misled the purchaser.

On January 9, 1923, the Ozark Cider & Vinegar Co., Rogers, Ark., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation and forfeiture, judgments were entered declaring the product to be misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$11,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

11325. Adulteration and misbranding of sweet chocolate. U. S. v. 4 Cases of Sweet Chocolate. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 17081. I. S. No. 8086-v. S. No. W-1263.)

On December 23, 1922, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District