

deceive and mislead the purchaser into the belief that it consisted wholly of oysters, whereas, in truth and in fact, it did not so consist but did consist in part of added water.

On February 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$15 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12184. Misbranding of salad oil. U. S. v. 35 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18388. I. S. No. 15981-v. S. No. E-4735.)**

On February 15, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of salad oil, at New York, N. Y., alleging that the article had been shipped by the Portsmouth Cotton Oil Refining Corp., from Portsmouth, Va., January 21, 1924, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Waverly Salad Oil \* \* \* Net Weight 7½ Lbs.;" (impressed on can) "1 Gal.;" (shipping case) "10 - 1 Gal. Cans."

Misbranding of the article was alleged in the libel for the reason that the statements, "1 Gal." and "10 - 1 Gal. Cans," were 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 March 7, 1924, Seeman Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the product be emptied into barrels and the erroneously labeled cans destroyed, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12185. Adulteration and misbranding of vinegar. U. S. v. George K. Peters and Charles M. Butterfield (Fruit Products Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 17243. I. S. Nos. 8178-t, 9337-t, 9338-t, 9341-t.)**

On June 29, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George K. Peters and Charles M. Butterfield, copartners, trading as the Fruit Products Co., Savannah, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 16, 1922, from the State of Georgia into the State of Florida, and on or about April 5 and 19, 1922, respectively, from the State of Georgia into the State of South Carolina, of quantities of vinegar, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: (Barrels) "Fruit Products Co. Apple Cider Vinegar;" "Fruit Products Co. Red Distilled Vinegar;" "Fruit Products Co. White Distilled Vinegar;" (bottles) "Palmetto Distilled Red Vinegar \* \* \* Pure Food Products Fruit Products Company Savannah, Georgia. Contents 32 Ozs."

Analyses of samples of the barreled product by the Bureau of Chemistry of this department showed that a portion of the article had been excessively diluted with water and that the remainder was a mixture of apple vinegar, distilled vinegar, and added water, containing not more than 15 per cent of apple vinegar. Examination of the bottled product by said bureau showed that the average measure of three bottles was 31.3 fluid ounces of the article.

Adulteration of the barreled product was alleged in the information for the reason that substances, to wit, distilled vinegar and water or excessive water, as the case might be, 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 apple cider vinegar or distilled vinegar, as the case might be, which the article purported to be.

Misbranding of the barreled product was alleged for the reason that the statement, to wit, "Apple Cider Vinegar," borne on the barrels containing the

alleged apple cider vinegar, and the statement, to wit, "Distilled Vinegar," borne on the barrels containing the alleged distilled vinegar, were false and misleading, in that they represented that the article consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, whereas, in truth and in fact, it did not so consist but the alleged apple cider vinegar consisted in part of distilled vinegar and added water and the alleged distilled vinegar consisted in part of excessive water. Misbranding of the barreled product was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar or distilled vinegar, as the case might be.

Misbranding of the bottled product was alleged for the reason that the statement, to wit, "Contents 32 Ozs.," borne on the labels attached to the bottles containing the article, was false and misleading, in that it represented that each of the said bottles contained 32 ounces of the article, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 32 ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 32 ounces of the article but contained a less amount. Misbranding of the bottled product was alleged 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 November 9, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12186. Adulteration and misbranding of canned oysters. U. S. v. J. Langrall & Bro., Inc., a Corporation. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 17948. I. S. Nos. 5880-v, 7989-v, 8652-v, 10356-v, 11416-v, 11962-v.)**

On March 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Langrall & Bro., Inc., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about December 20, 1922, from the State of Maryland into the State of Texas; on or about December 20, 1922, and January 21 and April 24, 1923, respectively, from the State of Maryland into the State of California; on or about January 2, 1923, from the State of Maryland into the State of Indiana; and on or about February 23, 1923, from the State of Maryland into the State of Utah, of quantities of canned oysters which were adulterated and misbranded. The article was labeled variously: "Maryland Chief \* \* \* Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc.;" "Groub's Belle Brand \* \* \* Extra Heavy Select Cove Oysters Contents 5 Oz. Avd.;" "Salt Rock Brand \* \* \* Contents 4 Oz. Baltimore Cove Oysters \* \* \* Packed By J. Langrall & Bro. Inc. Baltimore, Md.;" "Parrot Brand \* \* \* Baltimore Cove Oysters Contains 4 Oz. Oysters \* \* \* Packed By J. Langrall & Bro., Inc. Baltimore, Md., U. S. A."

Examination of the article by the Bureau of Chemistry of this department showed that it contained excessive brine and that the cans contained less than the declared weights of oysters.

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

Misbranding was alleged for the reason that the statements, to wit, "Oysters," "Contents 5 Oz.," "Contents 5 Ounces," "Contents 4 Oz.," and "Contains 4 Oz. Oysters," as the case might be, borne on the labels attached to the cans containing the respective lots of the article, were false and misleading, in that they represented that the said article consisted wholly of oysters and that each of the said cans contained 4 ounces or 5 ounces, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly