

man and Irving Safferman, copartners, trading as L. Feldman & Co., New York, N. Y., alleging shipment by said defendants in violation of the food and drugs act, in various consignments, namely, on or about October 2, 1922, from the State of New York into the State of Rhode Island, and on or about November 23, 1922, and February 3 and July 12, 1923, respectively, from the State of New York into the State of Pennsylvania, of quantities of colors which were adulterated and misbranded. The articles were labeled in part: "All The Colors Herein Contained Have Been Separately Certified To The U. S. Dept. Of Agriculture Under Lot Nos. 4293" (or "Lot Nos. 3559-2083," or "Lot Nos. 3800," or "Lot Nos. 4518") "Certified Pure Food Colors Three Star Brand Color Brilliant Yellow No. 7325" (or "Color Brilliant Orange," or "Color Raspberry Red") "L. Feldman & Co., 46 Fulton St., New York."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the said articles contained approximately 30 per cent, 45 per cent, 45 per cent, and 50 per cent of color, respectively, the remainder consisting of sugar or salt, as the case might be.

Adulteration of the articles was alleged in the information for the reason that substances, to wit, salt or sugar; as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for the said articles.

Misbranding of the articles was alleged in substance in the information for the reason that the statements, to wit, "All the Colors Herein Contained Have Been Separately Certified to the U. S. Dept. of Agriculture under Lot Nos. 4293" or "Lot Nos. 3559-3083," or "Lot Nos. 3800," or "Lot Nos. 4518," as the case might be, "Certified Pure Food Colors," and "Brilliant Yellow No. 7825," "Brilliant Orange," "Raspberry Red," as the case might be, borne on the cans containing the respective articles, were false and misleading in that the said statements represented that the articles were pure food colors certified to the U. S. Department of Agriculture, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure food colors certified to the U. S. Department of Agriculture, whereas, in truth and in fact, they did not so consist but did consist of products composed in large part of sugar or salt.

On May 28, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$400.

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

12384. Adulteration and misbranding of vinegar. U. S. v. De Luxe Products Co., a Corporation. Plea of nolo contendere. Fine, \$100.
(F. & D. No. 17068. I. S. Nos. 8374-t, 17209-t, 17211-t, 17251-t.)

On March 16, 1923, 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 an information against the De Luxe Products Co., a corporation, Pittsburgh, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about September 22, October 6, October 17, and December 7, 1921, respectively, from the State of Pennsylvania into the State of West Virginia, of quantities of vinegar, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was contained in barrels labeled in part: "De Luxe Products Co. De Luxe Pure Cider Vinegar * * * Pittsburgh Pa." The remainder of the said article was contained in bottles, labeled in part: "De Luxe Brand Pure Cider Vinegar Made From Apple Juice * * * De Luxe Products Co. N. S. Pittsburgh, Pa. Contents 16 Fluid Ounces."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results: (Barreled vinegar, shipment of October 17, 1921) the product consisted of distilled vinegar colored with caramel, and having an acid content of less than 4 grams per 100 cc.; (barreled vinegar, shipment of September 22, 1921) the product consisted of evaporated apple products vinegar and distilled vinegar, colored with caramel; (bottled vinegar, shipment of December 7, 1921) the product consisted in part of distilled vinegar; (bottled vinegar, shipment of October 6, 1921) the 3 bottles examined had an average volume of 15.6 fluid ounces.

Adulteration of the barreled vinegar was alleged in the information for the reason that with respect to a portion of the article, an excessively diluted distilled vinegar, artificially colored, and, with respect to the remainder of the said article, vinegar made from evaporated apple products and distilled vinegar, artificially colored, had been substituted in whole or in part for pure

cider vinegar, which the article purported to be. Adulteration was alleged with respect to the said barreled vinegar for the further reason that it was a product inferior to pure cider vinegar and was artificially colored with caramel so as to simulate the appearance of pure cider vinegar and in a manner whereby its inferiority to pure cider vinegar was concealed.

Adulteration was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that 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 part for pure cider vinegar made from apple juice, which the article purported to be.

Misbranding of the barreled vinegar was alleged for the reason that the statement, to wit, "Pure Cider Vinegar," borne on the barrels containing the article, was false and misleading in that the said statement represented that the said article consisted wholly of pure cider vinegar, 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 of pure cider vinegar, whereas, in truth and in fact, it did not, but a portion thereof consisted in whole or in part of an excessively diluted distilled vinegar, artificially colored, and the remainder thereof consisted in whole or in part of vinegar made from evaporated apple products and distilled vinegar artificially colored. Misbranding of the said barreled vinegar was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned December 7, 1921, for the reason that the statement, to wit, "Pure Cider Vinegar Made From Apple Juice," borne on the labels attached to the bottles containing the article, was false and misleading in that it represented that the said article was pure cider vinegar made from apple juice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar made from apple juice, whereas, in truth and in fact, it was not, but was a product composed in whole or in part of distilled vinegar. Misbranding of the said portion of the bottled vinegar was alleged for the further reason that it was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure cider vinegar made from apple juice.

Misbranding was alleged with respect to the portion of the bottled vinegar consigned October 6, 1921, for the reason that the statement, to wit, "16 Fluid Ounces," borne on the labels attached to the bottles containing the article, was false and misleading in that the said statement represented that each of the said bottles contained 16 fluid ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 16 fluid ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 16 fluid ounces of the said article but did contain a less amount.

Misbranding was alleged with respect to all the said bottled vinegar for the 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 May 3, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of 100.

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

12385. Misbranding of olive oil and cottonseed oil. U. S. v. 12 Cases of Olive Oil and 3 Cases and 36 Cans of Cottonseed Oil. Products released under bond to be relabeled. (F. & D. Nos. 16487, 16490. I. S. Nos. 14320-t, 14323-t, 14324-t. S. Nos. W-1114, W-1116.)

On July 29, 1922, the United States attorney for the District of Utah, 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 12 cases of olive oil and 3 cases and 36 cans of cottonseed oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by Lekas & Drivas from New York, N. Y., in various consignments, namely, on or about July 16, July 22, and December 3, 1921, and March 18, 1922, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Net Contents ½ Gall. * * * Pure Olive Oil * * * Lekas & Drivas New York