

District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation, Waynesboro, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about December 27, 1922, from the State of Georgia into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Protein, not less than 36.00% Equivalent to Ammonia 7.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein, not less than 36.00% Equivalent to Ammonia 7.00%," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 36 per cent of protein, the equivalent of 7 per cent of ammonia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, the equivalent of 7 per cent of ammonia, whereas, in truth and in fact, the article contained less than 36 per cent of protein, to wit, approximately 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

On April 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12523. Adulteration and misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18842. I. S. No. 16844-v. S. No. E-4913.)

On July 8, 1924, the United States attorney for the District of Massachusetts, 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 36 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the South Hero Creamery Assoc., South Hero, Vt., and transported from the State of Vermont into the State of Massachusetts, 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 a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter, 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 July 11, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12524. Adulteration and misbranding of vinegar. U. S. v. James T. Bothwell (J. T. Bothwell Grocery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12470. I. S. No. 16309-r.)

On October 25, 1920, 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 James T. Bothwell, trading as J. T. Bothwell Grocery Co., Augusta, Ga., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 7, 1919, from the State of Georgia into the State of South Carolina, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "Pure Apple Cider Vinegar Capacity 26 Oz. Bottled by J. T. Bothwell Grocery Co. Augusta, Georgia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was distilled vinegar colored with caramel.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure apple cider vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to pure apple cider vinegar and was colored with caramel so as to simulate the appearance of pure apple cider vinegar and in a manner whereby its inferiority to pure apple cider vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," borne on the labels attached to the bottles containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statements represented that the article was pure apple 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 was pure apple cider vinegar, whereas, in truth and in fact, it was not pure apple cider vinegar, but was a mixture composed in part of distilled vinegar, artificially colored. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure apple cider vinegar.

On November 18, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12525. Misbranding of olive oil and vegetable salad oil. U. S. v. 10 Cases of Olive Oil and 10 Cases of Vegetable Salad Oil. Decree ordering release of product under bond to be relabeled. (F. & D. No. 18082. I. S. Nos. 9826-v, 9827-v. S. No. W-1443.)

On November 28, 1923, the United States attorney for the District of Utah, 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 10 cases of olive oil and 10 cases of vegetable salad oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by the B. G. Makris Co. from New York, N. Y., on or about September 29, 1923, 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: "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon B. G. Makris Importer & Packer Lucca Italy-France N. Y. U. S. A." The vegetable oil was labeled in part: "Il Papa Degli Olii Uncle Sam Oil Our Brand * * * Winter-pressed Vegetable Salad Oil * * * Net Contents One Gallon * * * Packed by B. G. Makris New York."

Misbranding of the articles was alleged in the libel for the reason that the statement, "Net Contents One Gallon," appearing on the labels of the cans containing the respective articles, was false and misleading in that the net contents of the said cans was not 1 gallon. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 7, 1924, B. G. Makris, New York, N. Y., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, a decree of the court was entered, ordering that the product be released to the said claimant to be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12526. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14838. I. S. No. 3156-t. S. No. C-2997.)

On April 28, 1921, the United States attorney for the Southern District of Texas, 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 1 can of coal-tar color at Laredo, Texas, alleging that the article had been shipped by the W. B. Wood Mfg. Co. from St. Louis, Mo., on or about March 3, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Lb. Net W. B.