

**12964. Adulteration of chocolate-coated confections. U. S. v. 33 Cases Chocolate-Coated Confections. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19378. I. S. No. 8020-v. S. No. W-1620.)**

On December 12, 1924, the United States attorney for the Northern District of California, 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 33 cases of chocolate-coated confections, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the San Man Chocolate Co., from Boston, Mass., on or about October 7, 1924, and transported from the State of Massachusetts into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Retail package) "San-Man Chocolates."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On December 26, 1924, the San Man Chocolate Co., Boston, Mass., claimant, having 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 \$3,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12965. Adulteration of shell eggs. U. S. v. Europe Hamlin Caldwell (Scottsboro Produce Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18085. I. S. No. 4824-v.)**

On March 28, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Europe Hamlin Caldwell, trading as Scottsboro Produce Co., Scottsboro, Ala., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 30, 1923, from the State of Alabama into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Scottsboro Produce Co. E. H. Caldwell \* \* \* Scottsboro, Ala."

Examination of 720 eggs from the consignment by the Bureau of Chemistry of this department showed that 59 eggs, or 8.2 per cent of those examined, were inedible, consisting of mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 14, 1924, the case came on for trial before the court and a jury, and a verdict of not guilty was returned.

W. M. JARDINE, *Secretary of Agriculture.*

**12966. Misbranding of feed. U. S. v. the Scott County Milling Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18339. I. S. Nos. 9126-v, 9128-v.)**

On September 10, 1924, the United States attorney for the Eastern District of Missouri, 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 Scott County Milling Co., a corporation, Sikeston, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about January 17, 1923, and July 16, 1923, respectively, from the State of Missouri into the State of Mississippi, of quantities of feed which was misbranded. A portion of the article was labeled in part: (Tag) "Gristo Milk Maker Analysis: Protein 16½%, Fat 4%. \* \* \* Carbohydrates 60% \* \* \* Scott County Milling Co. Sikeston, Dexter, Oran, Mo." The remainder of the said article was labeled in part: (Tag) "Gristo Work Feed 90% Grain \* \* \* Scott County Milling Co."

Analysis of a sample of the Gristo milk maker by the Bureau of Chemistry of this department showed that it contained 12.46 per cent of protein, 1.73 per cent of fat, and 50.72 per cent of carbohydrates. Examination of the Gristo work feed by said bureau showed that it contained 72.88 per cent of grain.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis: Protein 16½%, Fat 4% \* \* \*

Carbohydrates 60%," with respect to the milk maker feed, and the statement "90% Grain," with respect to the work feed, borne on the respective labels, were false and misleading, in that the said statements represented that the milk maker feed contained not less than 16½ per cent of protein, not less than 4 per cent of fat, and not less than 60 per cent of carbohydrates, and that the work feed contained not less than 90 per cent of grain, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the milk maker feed contained not less than 16 per cent of protein, not less than 4 per cent of fat, and not less than 60 per cent of carbohydrates, and that the work feed contained not less than 90 per cent of grain, whereas the said milk maker feed contained less than 16½ per cent of protein, less than 4 per cent of fat, and less than 60 per cent of carbohydrates, and the work feed contained less than 90 per cent of grain.

On October 14, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

**12967. Misbranding and alleged adulteration of vinegar. U. S. v. 75 Barrels, et al., of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (P. & D. Nos. 11898, 12067, 12150, 12520, 15394. I. S. Nos. 8192-r, 8197-r, 9730-r, 9742-r, 694-t. S. Nos. C-1696, C-1675, C-1744, C-1856, C-3207.)

On January 12 and 27, February 16, and March 19, 1920, and September 22, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and subsequently an amended libel with respect to 50 barrels of the product, praying the seizure and condemnation of 405 barrels of vinegar, at Chicago, Ill., alleging that the article had been shipped by the Douglas Packing Co., from Fairport, N. Y., between the dates of August 27, 1919, and August 8, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. Fifty barrels of the product were labeled in part: "Farm House Brand Pure Apple Cider Vinegar Reduced to 4% \* \* \* Guaranteed To Comply With All Pure Food Laws Douglas Packing Company, Rochester, N. Y." The remainder of the article was labeled in part: "Guaranteed To Comply With All Pure Food Laws Douglas Packing Company Rochester Sun Bright Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum."

Adulteration was alleged with respect to 355 barrels of the product for the reason that a substance made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for pure apple cider vinegar.

Adulteration was alleged in the libel as amended with respect to 50 barrels of the Farmhouse brand vinegar for the reason that a substance made from evaporated or dried apple products had been substituted in whole or in part for apple cider vinegar, and for the further reason that a substance made from what is known as waste products of apples, to wit, the skins and cores of apples, which products had been evaporated or dried, had been substituted in whole or in part for apple cider vinegar.

Misbranding was alleged with respect to all the product for the reason that the barrels containing the article bore labels as above set forth, which were false and misleading and deceived and misled the purchaser, in that the article did not consist of pure apple cider vinegar but did consist of a substance made from evaporated or dried apple products. Misbranding was alleged with respect to the said 50 barrels of Farmhouse brand vinegar for the further reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the article did not consist of pure apple cider vinegar but did consist of a substance made from what is known as the waste products of apples, to wit, skins and cores of apples, which products had been evaporated or dried.

Misbranding was alleged with respect to all the product for the reason that it was an imitation of and sold under the distinctive name of another article.

On January 12, 1925, the cases having been consolidated into one cause of action and the Douglas Vinegar Co., Rochester, N. Y., having appeared as claimant for the property, judgment of the court was entered, finding the