

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

product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the 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.

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

12968. Adulteration and misbranding of frozen eggs. U. S. v. 182 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18489. I. S. No. 4025-v. S. No. C-4314.)

On March 17, 1924, the United States attorney for the Eastern District of Michigan, 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 182 cans of frozen eggs, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the S. Miller Cold Storage Co., Marshfield, Wis., December 27, 1923, and transported from the State of Wisconsin into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From S. Miller Cold Storage Co. Marshfield, Wisconsin." It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in 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 May 7, 1924, the Bentley Produce Co., Detroit, Mich., having entered an appearance claiming a factor's lien on the property, and 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 to be salvaged, 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.

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

12969. Adulteration of shell eggs. U. S. v. the McDonald Co-Operative Equity Mercantile Exchange, a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 18330. I. S. No. 5356-v.)

On October 9, 1924, the United States attorney for the District of Kansas, 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 McDonald Co-operative Equity Mercantile Exchange, a corporation, McDonald, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about August 21, 1923, from the State of Kansas into the State of Nebraska, of a quantity of shell eggs which were adulterated. The article was labeled in part: "McDonald Equity Exch McDonald Kansas."

Examination of 540 eggs from the consignment by the Bureau of Chemistry of this department showed that 103 eggs, or 19 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, moldy eggs, 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 putrid and decomposed animal substance.

On December 1, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

12970. Adulteration of frozen eggs. U. S. v. 18 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18485. I. S. No. 4019-v. S. No. C-4313.)

On March 10, 1924, the United States attorney for the Eastern District of Michigan, 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 18 cans of frozen eggs, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by Swift & Co., from Decatur, Ill., October 12, 1923, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.