

the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Tomato Paste \* \* \* Salsa Di Pomodoro Packed By La Sierra Heights Canning Co. Arlington, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Di Pomodoro," appearing in the labeling, were false and deceived and misled the purchaser.

On December 24, 1924, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$3,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

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

**12986. Misbranding of meat scraps. U. S. v. 18 Sacks of Meat Scraps. Default decree of condemnation, forfeiture, and destruction.**  
(F. & D. No. 18859. I. S. No. 16687-v. S. No. E-4900.)

On July 26, 1924, the United States attorney for the Eastern District of South Carolina, 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 sacks of meat scraps, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Norfolk Tallow Co., from Norfolk, Va., May 15, 1924, and transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Notalco Extra Quality Meat Scraps \* \* \* Guaranteed Analysis Protein Min. 55% \* \* \* Manufactured by Norfolk Tallow Co. Norfolk, Va."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein Min. 55%," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**12987. Misbranding of butter. U. S. v. 12 Cases of Butter. Judgment for the Government. Product released to claimant to be repacked and relabeled.** (F. & D. No. 18415. I. S. No. 7316-v. S. No. C-4297.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, 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 12 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Meriden Creamery Co., from Kansas City, Mo., February 4, 1924, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping case) "From The Meriden Cry. Co., Kansas City, Mo."; (carton) "Meadow Cream Pure Creamery Butter One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "Meadow Cream Pure Creamery Butter One Pound Net," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Haas-Davis Packing Co., Mobile, Ala., having appeared as claimant for the property, judgment was entered for the Govern-

ment, and it was ordered by the court that the product be released to the said claimant to be repacked and correctly labeled and that the claimant pay the costs of the proceedings.

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

**12988. Adulteration and misbranding of Wine Berre. U. S. v. 2 Cases, et al., of Wine Berre. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. Nos. 18919, 18942. I. S. Nos. 5263-v, 9325-v. S. Nos. C-4460, C-4475.)

On or about September 6 and 8, 1924, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure of 2 cases and 26 gallons, 111 pints, and 8 quarts of Wine Berre, remaining in the original unbroken packages, in part at Atchison, Kans., and in part at Topeka, Kans., alleging that the article had been shipped by the Kansas City Kola Co., Kansas City, Mo., between the dates of April 5 and May 14, 1924, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Drink Wine-Berre" (cut of berries) "Color Added;" (carton) "With The Tang Of The Berry Patch" Wine-Berre Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine Berre-Punch Wine Berre is made with the use of the pure juice of ripe berries \* \* \* Wine Berre-Punch."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored imitation containing only a small amount of fruit had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "With The Tang Of The Berry Patch," Wine-Berre, Wine-Berre is made with the use of the pure juice of ripe berries, Wine Berre Punch, Drink Wine Berre," were false and misleading and deceived the purchaser into believing it to be a genuine article, when, in truth and in fact, it was an imitation of another article. 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 December 3, 1924, the Wine Berre Co. (Inc.), Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of decrees, 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 it be rebranded to show its true contents.

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

**12989. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14439. I. S. No. 4377-t. S. No. C-2793.)

On February 11, 1921, the United States attorney for the Northern District of Illinois, 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 7 barrels of vinegar, at Galena, Ill. alleging that the article had been shipped by the National Vinegar Co., from Palatine Bridge, N. Y., October 27, 1920, 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.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and for the further reason that apple waste had been substituted in part for pure cider vinegar.

Misbranding was alleged in substance for the reason that the barrels containing the article bore the statements "New York State Pure Cider Vinegar Reduced To New York State Standard 4 Per Centum By J. C. Vosburgh Canajoharie, New York," which were false and misleading, in that the said statements represented that the article consisted 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 was pure cider vinegar, whereas distilled vinegar, or acetic acid, had been mixed therewith. Misbranding was alleged for the further reason that the article was an imitation of and was