

in conformity with section 10 of the act, conditioned in part that it be canceled under the supervision of this department and the bad portion destroyed.

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

13011. Adulteration and misbranding of hominy feed. U. S. v. 500 Sacks of Hominy Feed. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18845. I. S. No. 22262-v. S. No. E-4886.)

On or about July 21, 1924, the United States attorney for the District of Maryland, 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 500 sacks of hominy feed, consigned June 11, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Corno Mills, from East St. Louis, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Corno Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00 * * * Made By The Corno Mills Co. Address: East St. Louis, Ill."

Adulteration of the article was alleged in the libel for the reason that a substance, a wheat and oat by-product, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Protein 10.00 Fat 7.00, Hominy Feed," borne on the tags attached to the sacks containing the article, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 10 per cent of protein and 7 per cent of fat, whereas it contained less protein and less fat than declared on the label.

On August 15, 1924, the Corno Mills Co., East St. Louis, Mo., having appeared as claimant for the property, 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 \$1,675, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its content of wheat and oat by-products.

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

13012. Misbranding and alleged adulteration of vinegar. U. S. v. 80 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15612. I. S. No. 6924-t. S. No. E-3647.)

On November 12, 1921, the United States attorney for the District of Connecticut, 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 80 barrels of vinegar, shipped from New York into Connecticut in interstate commerce, and remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Douglas Packing Co., on or about October 26, 1921, into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced to 4 Per Centum Rochester N. Y."

It was alleged in substance in the libel that the article was adulterated in that apple waste vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore the following statement, "Apple Cider Vinegar Made From Selected Apples," which was false and misleading and deceived and misled the purchaser, in that the said statement represented that the product was apple cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On or about December 17, 1924, the Douglas Packing Co., Inc., Rochester N. Y., claimant, having consented to the entry of a decree, 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 prod-

uct be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act.

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

13013. Misbranding of butter. U. S. v. 30 Packages of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18962. I. S. No. 18330-v. S. No. C-4469.)

On or about August 8, 1924, the United States attorney for the Eastern District of Tennessee, 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 30 packages of butter, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Dodge County Creamery, from Eastman, Ga., July 30, 1924, and transported from the State of Georgia into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunny South Butter * * * Dodge County Creamery Eastman, Georgia, One Pound Net When Packed."

Misbranding of the article was alleged in the libel for the reason that the packages, which were labeled "One Pound Net," did not each contain 1 pound net of butter but contained a less amount.

On November 3, 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 sold by the United States marshal.

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

13014. Misbranding of tankage. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$150 and costs. (F. & D. No. 18319. I. S. Nos. 4530-v, 8840-v, 8841-v.)

On July 12, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Cleveland, Ohio, alleging shipment by said company, in violation of the food and drugs act, in part on or about March 19, 1923, and in part on or about May 23, 1923, from the State of Ohio into the State of Indiana, of quantities of tankage which was misbranded. The article was labeled in part: (Sack) "Swift's Digester Tankage Manufactured By Swift & Company Chicago, Ill. Guaranteed Analysis Protein 60%."

Analyses by the Bureau of Chemistry of this department of a sample from each of the three consignments of the article showed that the said samples contained 53.38 per cent, 53.07 per cent, and 54.43 per cent, respectively, of protein.

Misbranding of the articles was alleged in the information for the reason that the statement "Guaranteed Analysis Protein 60%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 60 per cent of protein, 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 not less than 60 per cent of protein, whereas the said article did contain less than 60 per cent of protein.

On December 22, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

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

13015. Misbranding of A. D. S. special kidney and bladder pills. U. S. v. 210 Dozen Packages of A. D. S. Special Kidney and Bladder Pills. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19448. I. S. No. 11722-v. S. No. W-1625.)

On December 29, 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 210 dozen packages of A. D. S. special kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Druggists Syndicate, from New York, N. Y., in part on or about October 2, 1924, and in part on or about November 6, 1924, and transported from the State of New York into the