

13020. Misbranding of vinegar. U. S. v. 26 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15623. I. S. No. 13491-t. S. No. C-3319.)

On November 21, 1921, the United States attorney for the Eastern District of Kentucky, 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 26 barrels of vinegar, remaining unsold in the original packages at Lexington, Ky., consigned by the Douglas Packing Co., from Fairport, N. Y., about September 28, 1921, alleging that the article had been shipped from Fairport, N. Y., and transported from the State of New York into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cu-Tu-No Quality Apple Cider Vinegar Guaranteed To Comply With All Pure Food Laws * * * Douglas Packing Company, Rochester, N. Y."

Misbranding of the article was alleged in substance in the libel for the reason that the label bore statements, designs, and devices regarding the said article which were false and misleading, in that it was labeled so as to make it appear that the vinegar contained in the said barrels was an apple vinegar made from apple juice, and for the further reason that the barrels were labeled so as to deceive and mislead the purchaser into the belief that the said vinegar was apple cider vinegar made from apple juice, when, in truth and in fact, it was not apple cider vinegar made from apple juice but was a vinegar made in whole or in part from dried apple products.

On January 29, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, 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 \$500, in conformity with section 10 of the act.

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

13021. Misbranding of cottonseed meal. U. S. v. Central Oil & Fertilizer Co. Plea of guilty. Fine, \$100. (F. & D. No. 17532. I. S. Nos. 3194-v, 3251-v.)

On December 10, 1923, 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 the Central Oil & Fertilizer Co., a corporation, Macon, Ga., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about October 31 and November 27, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Prosperity Brand Cottonseed Meal * * * Manufactured By Central Oil & Fertilizer Co. Home Office, Macon, Georgia."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 33.81 per cent and 33.23 per cent of protein, equivalent to 6.58 per cent and 6.46 per cent of ammonia, and 14.32 per cent and 16.72 per cent of crude fiber, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guarantee Protein, not less than 36.00 Per Cent Equivalent to Ammonia 7.00 Per Cent * * * Fibre not more than 14.00 Per Cent," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of fiber, 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 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of fiber, whereas the said article contained less than 36 per cent of protein and more than 14 per cent of fiber.

On December 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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