

District Court of the United States for said district a libel praying the seizure and condemnation of 15 barrels of vinegar, at Battle Creek, Mich., consigned by the Powell Corp., Canandaigua, N. Y., alleging that the article had been shipped from Canandaigua, N. Y., September 15, 1922, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Pure Cider Vinegar made From Apples Reduced To 4% The Powell Corp. Canandaigua, New York."

Adulteration of the article was alleged in substance in the libel for the reason that (distilled) vinegar had been mixed and packed wholly or in part with apple cider vinegar made from apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cider Vinegar Made From Apples," appearing on the labels, was false and misleading, for the further reason that it was labeled "Pure Cider Vinegar Made From Apples," so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On August 1, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations of the libel 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 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, conditioned that it be relabeled "Cider Vinegar and Distilled Vinegar Reduced to Four Per Cent Acidity."

C. F. MARVIN, *Acting Secretary of Agriculture.*

13379. Adulteration of grapefruit. U. S. v. 301 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20067. I. S. No. 20713-v. S. No. W-1700.)

On April 22, 1925, the United States attorney for the District of Colorado, 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 301 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Wichita, Kans., on or about April 14, 1925, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Texas Pride Grapefruit and Oranges Packed and Distributed by Botts Produce Company, Harlingen Texas."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of an inedible product and was unfit for food.

On April 27, 1925, the Botts Produce Co., claimant, having admitted the allegations of the libel 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 upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13380. Misbranding of cottonseed meal. U. S. v. New South Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 18474. I. S. No. 10462-v.)

On October 27, 1924, the United States attorney for the Eastern District of Arkansas, 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 New South Oil Co., a corporation, Helena, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about November 22, 1923, from the State of Arkansas into the State of Tennessee, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Guaranteed Analysis Protein 41.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 41.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained

not less than 41 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 41 per cent of protein, whereas it did contain less than 41 per cent of protein, to wit, approximately 39 per cent of protein.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13381. Adulteration of blue cohosh. U. S. v. 17 Bales of Blue Cohosh. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19547. I. S. No. 15566-v. S. No. E-4970.)

On or about January 31, 1925, the United States attorney for the Western District of New York, 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 17 bales of blue cohosh, at Buffalo, N. Y., alleging that the article had been shipped by S. B. Penick & Co. from Ashville, N. C., on or about November 1, 1924, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Cohosh."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that upon ignition it yielded 11 per cent of ash.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, or purity as determined by the test laid down in said formulary, in that it contained an excess of ash, and its own standard of strength, quality, and purity was not stated upon the container thereof.

On March 24, 1925, 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 to purchasers who would dispose of it in accordance with the conditions prescribed by this department, and if no such purchasers be found that it be destroyed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13382. Adulteration and misbranding of assorted fruit syrups. U. S. v. 22 Cases of Assorted Syrups. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19517. I. S. Nos. 19654-v to 19070-v, incl. S. No. C-4615.)

On or about January 21, 1925, the United States attorney for the Eastern District of Wisconsin, 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 22 cases of assorted syrups, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by the Orchard Products Co., from Chicago, Ill., on or about July 31, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Bottle) "Silver Buckle Brand * * * Cherry" (or "Raspberry" or "Blackberry" or "Grape" or "Loganberry" or "Strawberry" or "Pineapple"), as the case might be, "Syrup Flavored Artificially Colored."

Adulteration of the articles was alleged in the libel for the reason that artificially colored imitation products had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for the said articles, and in that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Cherry" (or other fruit) "Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13383. Adulteration and misbranding of cottonseed meal. U. S. v. 320 Sacks of Cotton Seed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19545. I. S. No. 13495-v. S. No. E-5119.)

On February 1, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in