

13386. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15481. I. S. No. 8090-t. S. No. E-3608).

On October 17, 1921, the United States attorney for the Eastern District of Pennsylvania, 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, remaining in the original unbroken packages at Lancaster, Pa., consigned by the Douglas Packing Co., from Canastota, N. Y., alleging that the article had been shipped on or about September 22, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. York State Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, evaporated or dried apple products 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 apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged in substance for the reason that the barrels enclosing the article contained labels bearing certain statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading, in that the said statements represented that the barrels contained "Apple Cider Vinegar Made From Selected Apples," when in fact they did not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 8, 1925, the Douglas Packing Co. (Inc.), 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 \$325, in conformity with section 10 of the act, conditioned in part that it be relabeled in accordance with the ruling of this department.

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

13387. Adulteration of canned sardines. U. S. v. 400 Cases of Sardines. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19110. I. S. No. 23012-v. S. No. C-4039.)

On October 30, 1924, the United States attorney for the District of Nebraska, 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 400 cases of sardines, at Omaha, Nebr., alleging that the article had been shipped by the Johnson Bay Canning Co., Lubec, Me., on or about June 25, 1924, and transported from the State of Maine into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Columbian Brand American Sardines * * * Packed At Lubec, * * * Me. By Columbian Canning Co."

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

On May 15, 1925, the Johnson Bay Canning Co., Lubec, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated and ordering its release to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the good portion released without condition.

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

13388. Misbranding of butter. U. S. v. 6 Barrels of Mess Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20036. I. S. No. 20466-v. S. No. W-1693.)

On April 4, 1925, 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