

13721. Adulteration and misbranding of grape nip concentrate. U. S. v. Orange Smash Co. Tried to the court and a jury. Directed verdict of guilty. Fine, \$100. (F. & D. No. 19252. I. S. No. 12606-v.)

On January 5, 1925, the United States attorney for the Northern District of Alabama, 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 Orange Smash Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about November 20, 1923, from the State of Alabama into the State of Maryland, of a quantity of grape nip concentrate which was adulterated and misbranded. The article was labeled in part: "From Orange Smash Company Birmingham, Alabama * * * Grape Nip Concentrate (50 Gals.) Contains extract Of Ripe Grapes Sugar And Water & Tartaric Acid."

Examination by the Bureau of Chemistry of this department of a sample of the article showed that it was an imitation grape sirup composed in part of sugar, glycerin, and water, artificially colored with a coal-tar dye, and flavored with methyl anthranilate.

Adulteration of the article was alleged in the information for the reason that an artificially colored and artificially flavored grape sirup had been substituted for grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, which the said article purported to be. Adulteration was alleged for the further reason that the article was an artificially flavored grape sirup prepared in imitation of grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, and was artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of grape nip concentrate, and in a manner whereby its inferiority to said grape nip concentrate was concealed.

Misbranding was alleged for the reason that the statements "Grape Nip Concentrate" and "Contains extract of Ripe Grapes Sugar And Water & Tartaric Acid," borne on the label attached to the barrel containing the article, were false and misleading, in that the said statements represented that the article was composed of extract of ripe grapes, sugar, water, and tartaric acid, whereas it was not so composed but contained artificial color and artificial flavor. Misbranding was alleged for the further reason that the article was an artificially flavored and artificially colored product prepared in imitation of grape nip concentrate and was offered for sale and sold under the distinctive name of another article, to wit, grape nip concentrate.

On August 24, 1925, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of guilty, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13722. Adulteration and misbranding of feed. U. S. v. Meader-Atlas Co. (Metropolitan Mills). Plea of guilty. Fine, \$75. (F. & D. No. 19359. I. S. Nos. 12823-v, 12824-v, 13287-v.)

On April 16, 1925, the United States attorney for the District of New Jersey, 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 Meader-Atlas Co., a corporation, trading as the Metropolitan Mills, at Hoboken, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 21, September 29, and October 24, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of feed which was adulterated and misbranded. The article was labeled in part: "Allstock Molasses Grains Registered Manufactured By Metropolitan Mills Hoboken, N. J. Guarantee Minimum Crude Protein 13%."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 11.72 per cent, 11.07 per cent, and 11.32 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a substance deficient in crude protein had been substituted for a feed guaranteed to contain not less than 13 per cent of crude protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guarantee Minimum Crude Protein 13%," borne on the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 13 per cent of crude protein, and for the fur-

ther reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 13 per cent of crude protein, whereas it did not contain 13 per cent of crude protein but did contain a less amount.

On August 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13723. Misbranding and alleged adulteration of vinegar. U. S. v. 65 Barrels et al. of Vinegar. Portion of product released under bond. Decrees entered, condemning remainder of product and ordering its release under bond. (F. & D. Nos. 15513, 15639, 15666, 15667, 15691, 15698. I. S. Nos. 530-t, 556-t, 557-t, 904-t, 3104-t, 3106-t. S. Nos. C-3286, C-3332, C-3333, C-3334, C-3349, C-3351.)

On October 29, November 28 and 29, and December 5, 1921, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 375 barrels of vinegar, in various lots, at Cincinnati, Columbus, and Steubenville, Ohio, respectively, consigned by the Douglas Packing Co., Rochester, N. Y., between the dates of September 10 and November 3, 1921, alleging that the article had been shipped from Canastota, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The greater portion of the product was labeled in part: "Apple Cider Vinegar Made From Selected Apples" "Douglas Packing Co., Rochester, N. Y." One shipment of the said product was labeled in part: "Pure Apple Cider Vinegar."

Adulteration of the article was alleged in substance in the libels for the reason that that evaporated or dried apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged in substance for the further reason that the statements "Apple Cider Vinegar Made From Selected Apples," and "Pure Apple Cider Vinegar," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to 205 barrels of the product for the reason that the labeling of the said portion of the product was false and misleading and deceived and misled the purchaser.

On March 31, 1922, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for a portion of the product, decrees of the court were entered, ordering that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department. On November 18, 1924, the said Douglas Packing Co. having appeared as claimant for the remainder of the product and having submitted the cases to the court, decrees were entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said portion of the product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, conditioned in part that it not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13724. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20323. I. S. No. 30-x. S. No. W-1750.)

On July 15, 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 and subsequently an amended libel praying the seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hub City Creamery, from Centralia, Wash., July 4, 1925, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.