

wheat shorts, with traces of calcium and sulphur compounds and a phenolic substance.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On March 8, 1926, no claimant having appeared for the property, a decree of the court was entered, adjudging that the product be condemned as being in violation of the act, and further decreeing that it be destroyed by the United States marshal.

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

**14244. Adulteration and misbranding of vinegar. U. S. v. John D. Bates. Plea of guilty. Fine, \$20. (F. & D. No. 19650. I. S. No. 19487-v.)**

On August 6, 1925, the United States attorney for the Western 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 John D. Bates, a member of the Ozark Fruit Co., a copartnership, Fort Smith, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 11, 1924, from the State of Arkansas into the State of Oklahoma, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "'Pride of the Ozarks' Distilled—Apple And Sugar Vinegar Compound" (picture of apple) "Ozark Fruit Co., The Bates Organization Little Rock, Ark."

Adulteration of the article was alleged in the information for the reason that a compound consisting of distilled vinegar and sugar vinegar and containing a mere trace of apple vinegar, if any, had been substituted for apple vinegar, which the article purported to be, for the further reason that distilled vinegar and sugar vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and for the further reason that it had been colored with sugar vinegar so as to simulate apple vinegar, in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement, to wit, "Apple Vinegar," in large prominent type, together with the pictorial design of an apple, borne on the label of the bottle containing the article, was false and misleading, in that they represented that the said article was apple vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was apple vinegar, whereas it was not apple vinegar but was a compound consisting of distilled vinegar and containing but a trace of apple vinegar, if any, and the said article was not labeled so as to indicate plainly that it was a compound, in that the words "Compound," "And Sugar" appeared in small inconspicuous type. 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, to wit, apple vinegar.

On March 5, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

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

**14245. Misbranding of cottonseed cake. U. S. v. George A. Simmons, Robert R. Gilliland, James W. Simmons, Jr., and Richard K. Wootten (Quanah Cotton Oil Co.). Pleas of guilty. Fine, \$35. (F. & D. No. 19590. I. S. No. 12321-v.)**

On March 17, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George A. Simmons, Robert R. Gilliland, James W. Simmons, jr., and Richard K. Wootten, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about March 1, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Cake \* \* \* Manufactured by Quanah Cotton Oil Company, Quanah, Tex."

Examination by the Bureau of Chemistry of this department of 41 sacks of the article from the shipment showed an average net weight of 97.31 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tags attached to the