

**15680. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Cases, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22488, 22491. I. S. Nos. 19991-x, 19996-x. S. Nos. 577, 604.)**

On February 28, and March 2, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 30 cases of vinegar, in part at Taylorville, Ill., and in part at Decatur, Ill., alleging that the article had been shipped from the Southern Mfg. Co., St. Louis, Mo., in part on or about October 14, 1927, and in part on or about January 10, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, in part: "Diamond Crown Brand Reduced Cider Vinegar." The remainder of the said article was labeled in part: "Golden West Brand Corn Sugar Vinegar 40 Grain Strength \* \* \* Packed & Guaranteed By Southern Manufacturing Co. St. Louis, Mo."

Adulteration was alleged in the libel with respect to the "Diamond Crown" brand vinegar for the reason that a vinegar made from evaporated apple products had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the "Golden West" brand for the reason that distilled vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar," with respect to the "Diamond Crown" brand, and "Corn Sugar Vinegar 40 Grain Strength," with respect to the "Golden West" brand, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered finding the product misbranded and ordering its condemnation, and it was further 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 bonds totaling \$300, conditioned in part that it be relabeled under the supervision of this department.

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

**15681. Misbranding and alleged adulteration of vinegar. U. S. v. 3 Barrels, et al., of Vinegar. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 22424, 22425, 22426, 22427, 22431. I. S. Nos. 19907-x, 19913-x, 19918-x, 19920-x, 19921-x. S. Nos. 513, 514, 517, 524.)**

On February 8 and 28, 1928, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 158 barrels and 5 kegs of vinegar, in part at Springfield, Ill., and in part at Pana, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., in various consignments, on or about October 31, December 15, and December 22, 1927, respectively, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, in part, variously: "Golden Rule Brand \* \* \* Cider Vinegar Reduced to 4 Percent;" "Cider Vinegar reduced to 4 per cent St. Louis;" "Cider Vinegar Reduced to 4 Percent Elk Brand;" "Evaporated Apple Vinegar Reduced to 4 Percent."

Adulteration was alleged in the libels with respect to the so-called cider vinegar, for the reason that a vinegar from evaporated or dried apple product had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the so-called evaporated apple vinegar for the reason that an acid product other than evaporated apple vinegar had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements "Cider Vinegar" or "Evaporated Apple Vinegar," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 16, 1928, the National Vinegar Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judg-

ments of the court were entered finding the product misbranded and ordering its condemnation, and it was further 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 bonds totaling \$2,660, conditioned in part that it should not be disposed of contrary to the law.

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

**15682. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22710. I. S. No. 24433-x. S. No. 696.)**

On March 17, 1928, the United States attorney for the Southern 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 seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by McVeans Creamery Co., Butler, Mo., on or about March 13, 1928, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 29, 1928, M. J. McVean, trading as McVeans Creamery, Butler, Mo., 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 \$550, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

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

**15683. Misbranding of cottonseed meal. U. S. v. 40 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22332. I. S. No. 23358-x. S. No. 381.)**

On December 29, 1927, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 sacks of cottonseed meal, remaining in the original unbroken packages at Worland, Wyo., alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Texas, on or about December 16, 1927, and had been transported from the State of Texas into the State of Wyoming, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Golden Rod 43 per cent protein Cottonseed Meal Prime Quality Manufactured by Planters Cottonseed Products Company, Dallas, Texas. Guaranteed Analysis Crude Protein Not Less than 43 per cent."

It was alleged in substance in the libel that the article was misbranded in that the label contained a statement that the contents of each of the said sacks contained 43 per cent of protein, which statement was false and misleading and deceived and misled the purchaser, in that the article contained less than 43 per cent of protein.

On January 19, 1928, the Planters Cottonseed Products Co., Dallas, Texas, having appeared as claimant for the property 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 not less than \$500, conditioned in part that it be relabeled to show the true contents.

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

**15684. Misbranding of 999 Nerve Tonic. U. S. v. 21 Packages of 999 Nerve Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22354. I. S. No. 14194-x. S. No. 397.)**

On January 9, 1928, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure