

16291. Adulteration of butter. U. S. v. 14 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23614, 23615. I. S. Nos. 05182, 05183. S. Nos. 1653, 1685.)

On February 13, 1929, the United States attorney for the Northern 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 27 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Lineville Creamery Co., from Lineville, Iowa, February 2, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in butterfat (or milk fat) and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted from the article, and for the further reason that it contained less than 80 per cent of butterfat.

On February 13, 1929, and February 16, 1929, respectively, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,000, conditioned in part that it be reprocessed to remove the excess water and raise the butterfat content to 80 per cent.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16292. Misbranding and alleged adulteration of vinegar. U. S. v. 66 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22675. I. S. Nos. 23583-x, 23584-x. S. No. 711.)

On March 29, 1928, the United States attorney for the Western 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 seizure and condemnation of 66 barrels of vinegar at Eau Claire, Wis., alleging that the article had been shipped by the Red Wing Food Products Co., from Red Wing, Minn., January 4, 1928, and transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration was alleged in the libel with respect to a portion of the article for the reason that it contained an acid product other than cider vinegar and also contained water, which had been substituted in part for cider vinegar and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged with respect to the remainder of the said article for the reason that a substance had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Adulteration was alleged with respect to all of the said product for the further reason that it had been mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article bore a label as follows, "Lanco Brand Apple Cider Vinegar Reduced to 4½ per cent acidity ("4 per cent acidity" with respect to portion) 40 Grain 52 Gallons," which label was false and misleading and deceived and misled purchasers in that the said article did not comply with the said statement in that it contained an acid product other than cider vinegar. 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 May 14, 1928, the Red Wing Food Products Co., Red Wing, Minn., having appeared as claimant for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and should not be sold until reinspected by this department and relabeled, "Imitation Cider Vinegar consists principally of Distilled Vinegar artificially colored."

ARTHUR M. HYDE, *Secretary of Agriculture.*