

by the Rome Importing Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 1 Gallon [or "½ Gallon"] Superfine Olive Oil Rome Importing Co."

It was alleged in the libel that the article was misbranded in that the statements on the respective labels, "Net Contents 1 Gallon", and "Net Contents ½ Gallon", were false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 5, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22758. Misbranding of pepper. U. S. v. 38 Cases of Pepper. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution, or destroyed. (F. & D. no. 32596. Sample no. 67685-A.)

Sample packages of pepper taken from the shipment involved in this case were found to contain less than 3 ounces, the weight declared on the label.

On April 25, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cases of pepper at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about February 14, 1934, by L. E. Rogers, of Binghamton, N. Y., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Its a Rogers Product Pure Pepper 3 Ounces L. E. Rogers, Binghamton, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Three Ounces", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 30, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution, and if no such institution desired the product, that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22759. Misbranding of vinegar. U. S. v. 212 Cases of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32607. Sample nos. 59670-A, 65143-A.)

Sample bottles of vinegar taken from the shipment involved in this case were found to contain less than 1 quart, the labeled volume.

On or about April 30, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cases of vinegar at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3 and October 5, 1933, by the C. H. Musselman Co., of Biglerville, Pa., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 1 Quart Rosemary * * * Apple Cider Vinegar * * * Samuel Kunin & Sons, Inc. Distributors, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Quart", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 9, 1934, Samuel Kunin & Sons, Inc., Chicago, Ill., 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 claimant upon payment

of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22760. Misbranding of vinegar. U. S. v. 50 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32608. Sample no. 68002-A.)

Sample bottles of vinegar taken from a shipment involved in this case were found to contain less than 1 pint of the labeled volume. The article was also misbranded as to the name of the manufacturer and the place of manufacture.

On April 26, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of vinegar at Charleroi, Pa., alleging that the article had been shipped in interstate commerce on or about February 28, 1934, by the C. H. Musselman Co., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fox Brand Pure Apple Cider Vinegar * * * Contents One Pint Fox Grocery Co. Charleroi, Pa., Uniontown, Pa."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Pint", was false and misleading and tended to deceive and mislead the purchaser, and in that the statement, "Fox Grocery Co. Charleroi, Pa., Uniontown, Pa.", was false and misleading and tended to deceive and mislead the purchaser, since the statement implied that the Fox Grocery Co. was the manufacturer of the product, whereas the C. H. Musselman Co., of Biglerville, Pa., was the manufacturer. Misbranding was alleged further for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 21, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22761. Misbranding of Provegmin. U. S. v. 25 Bags of Provegmin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32610. Sample no. 68561-A.)

This case involved an interstate shipment of feed that contained less protein and more fiber than declared on the label.

On April 26, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of Provegmin at Chestertown, Md., alleging that the article had been shipped in interstate commerce on or about March 15, 1934, by Ronck & Bevis Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Provegmin (Open Formula) Protein 38%, * * * Fiber 6.00%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein 38% * * * Fiber 6.00%", were false and misleading and tended to deceive and mislead the purchaser.

On June 13, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22762. Adulteration of apple butter. U. S. v. 30 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32611. Sample no. 71085-A.)

This case involved an interstate shipment of apple butter, samples of which were found to contain lead.

On April 26, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of apple butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 30, 1934, by the Pacific Northwest Canning Co., from Puyallup, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Paul's Skookum Apple Butter. Distributors Pacific Northwest Canning Co."