

Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 100 tins of tomato paste, remaining unsold in the original unbroken packages and in possession of Carbon Bros., St. Paul, Minn., alleging that the product had been shipped by George Ehrat & Co., Chicago, Ill., on or about May 6, 1913, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Conserva Di Tomate—Packed by our special process (Cut of large ripe tomato). Rossa—Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906—Serial No. 9270—Contains 1/10 of 1% Benzoate of Soda and 15% salt—Trade Mark (Device of girl in foreign costume) Marka Registrata—This can contains 15 oz. net weight Tomato Conserve—Highest award, etc. (Device of American and Italian flags crossed)—American Conserve Co., New York—Directions * * *."

Misbranding of the product was alleged in the libel for the reason that the retail packages were labeled and branded in such a manner as to represent that each of said retail packages or tins contained 15 ounces net weight of the product, whereas, in truth and in fact, each of said retail packages contained a much less quantity, to wit, 1.1 ounces less than the amount set forth in said label and brand, and said packages were so labeled and branded so as to deceive and mislead the purchaser thereof.

On December 5, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3177. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5327. S. No. 1919.)

On September 5, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, purporting to contain pure cider vinegar, remaining unsold in the original unbroken packages and in possession of Hauser Bros. & Co., Stoneboro, Pa., alleging that the product had been shipped on or about July 31, 1913, by the H. C. Christy Co., Cleveland, O., and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "The H. C. Christy Co. Pure Cider Vinegar Lakewood Cleveland, Ohio." (On the other end) "Sugrue and Sons 48 Hauser Bros and Co. Stoneboro, Pa."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar which was artificially colored and which had been mixed and packed with and substituted for cider vinegar in such manner as to reduce or lower or injuriously affect its quality or strength. Misbranding of the product was alleged for the reason that it was offered for sale under the distinctive name of pure cider vinegar, whereas, in fact, it was not pure cider vinegar, but consisted in whole or in part of artificially colored distilled vinegar.

On January 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*