

demnation of 138 barrels of vinegar at Cleveland, Ohio, alleging that 71 barrels were shipped on or about December 3, 1917, and 67 barrels were shipped on or about December 5, 1917, by Van Keuren Co., Savona, N. Y., and transported from the State of New York into the State of Ohio, charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pure Cider Vinegar. * * * Manufactured by Van Keuren Co., Savona, N. Y."

Adulteration of the article was alleged in the libel for the reason that an excessive quantity of water and either distilled vinegar or added dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, strength, and value.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that the labels on the barrels bore a statement regarding the article which was false and misleading in that it was calculated, designated, and devised to deceive and mislead the purchaser into believing that the barrels contained pure cider vinegar, when, in truth and in fact, they contained an imitation of pure cider vinegar.

On July 12, 1918, the said Van Keuren Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act.

J. R. RIGGS, Acting Secretary of Agriculture.

6737. Adulteration and misbranding of evaporated milk. U. S. * * * v. 100 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9094. I. S. No. 16191-p. S. No. W-229.)

On June 25, 1918, the United States attorney for the Western District of Washington, 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 100 cases of evaporated milk, consigned on or about June 13, 1918, by the Union Meat Co., Portland, Ore., remaining unsold in the original unbroken packages, at Seattle, Wash., alleging that the article had been shipped and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Marigold Brand Evaporated Milk * * * Manufactured by Western Condensed Milk Co. Seattle U. S. A."

Adulteration of the article was alleged in the libel for the reason that partially evaporated milk had been substituted for evaporated milk, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk; and for the further reason that the statement borne on the labels, to wit, "Evaporated Milk," was false and misleading, and misled the purchaser in being labeled "Net Weight Sixteen (16) ounces," whereas, in truth and in fact, there was a shortage therein of solids and from the declared net weight. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On September 3, 1918, the said Union Meat Co., a corporation, claimant, having consented to a decree, judgment of condemnation and forfeiture was

entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of \$250, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6738. Adulteration and misbranding of olive oil. U. S. * * * v. 12 One-gallon Cans and 24 Half-gallon Cans of Olive Oil (so-called). Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9095. I. S. Nos. 6568-p, 6569-p. S No E-1056.)

On June 25, 1918, the United States attorney for the District of Connecticut, 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 12 one-gallon cans and 24 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at South Norwalk, Conn., alleging that the article had been shipped on or about May 30, 1918, by Arony & Papitsas, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted practically entirely for the article purporting to be olive oil.

Misbranding of the article was alleged for the reason that the labels of the cans bore certain statements regarding the article which were false and misleading, that is to say, the statements, to wit, "Olive Oil" (in large type), and "Compounded with cottonseed oil" (in inconspicuous type), and "Cottonseed and" (in inconspicuous type), and "Olive Oil" (in large type), which statements were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil: and for the further reason that the labels on the half-gallon cans bore the words "Full $\frac{1}{2}$ gallon," whereas there was a shortage of 2.7 per cent in each purported one-half gallon; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On July 15, 1918, the said Arony & Papitsas, New York, N. Y., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$35, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6739. Adulteration and misbranding of vinegar. U. S. * * * v. Burgie Vinegar Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9098. I. S. No. 11945-m.)

On October 3, 1918, 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 an information against the Burgie Vinegar Co., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 1, 1916, from the State of Tennessee into the State of Arkansas, of a quantity of