

10667. Adulteration and misbranding of blue poppy seed. U. S. * * * v. Alexander Gross and Felix Gross (Ignatius Gross Co.). Pleas of guilty. Fine, \$15. (F. & D. No. 15071. I. S. No. 13093-r.)

On October 7, 1921, 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 an information against Alexander Gross and Felix Gross, trading as the Ignatius Gross Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on December 20, 1919, from the State of New York into the State of Massachusetts, of a quantity of an article invoiced as India blue poppy seed, which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of white poppy seeds colored with a blue dye.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, white poppy seed artificially colored, had been substituted for India blue poppy seed which the said article purported to be, and for the further reason that it was a product inferior to blue poppy seed, to wit, white poppy seed, artificially colored with a blue dye, so as to simulate the appearance of blue poppy seed and in a manner whereby its inferiority to India blue poppy seed was concealed.

Misbranding was alleged for the reason that the article was a product composed of white poppy seed artificially colored in imitation of and offered for sale and sold under the distinctive name of another article, to wit, India blue poppy seed. Misbranding was alleged for the further reason that the statement, to wit, "Produce of India," borne on the bags containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was a foreign product, to wit, a product of India, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product, to wit, a product of India, whereas, in truth and in fact, it was not a foreign product but was a domestic product, to wit, a product of the United States of America. Misbranding was alleged for the further reason that the statement, to wit, "Produce of India," borne on the said bags, purported the article to be a foreign product when not so.

On October 10, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$15.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10668. Adulteration of prunes. U. S. * * * v. 431 Cases of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15093. I. S. No. 23548-t. S. No. C-3087.)

On June 29, 1921, the United States attorney for the Western District of Oklahoma, 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 431 cases of prunes, remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by Guggenlime & Co., San Francisco, Calif., on or about November 3, 1919, and transported from the State of California into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "California Pitted Prunes Packed by Guggenlime & Company California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On April 14, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10669. Adulteration of ground marjoram. U. S. * * * v. 2 Bags of Ground Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15777. Inv. No. 38253. S. No. C-3464.)

On March 16, 1922, the United States attorney for the Eastern District of Missouri, 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 2 bags of ground marjoram, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about March 1, 1922, and transported from the

State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "* * * Biston Coffee Company, St. Louis, Missouri."

Adulteration of the article was alleged in the libel for the reason that sand and dirt had been mixed and packed with, and substituted wholly or in part for, ground marjoram.

On May 3, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10670. Adulteration and misbranding of pie peaches. U. S. * * * v. 50 Cases of Alleged Pie Peaches, Canned. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 653-c. S. No. E-3881.)

On or about April 28, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Commissioner of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of alleged pie peaches, canned, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about March 20, 1922, from Fort Valley, Ga., and transported into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Thunderbolt Brand Pie Peaches, M. S. Herman & Bro., Sales Agents, Savannah, Georgia. Contents 1 pound 13 ounces. Packed by Varn & Platt, Marshallville, Ga., Home Office, Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and did not have conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count, the quantity of the contents thereof, to wit, the packages were labeled as aforesaid, which statement that the contents were 1 pound and 13 ounces was untrue, in that the contents were less than 1 pound and 13 ounces, and not within the variations and tolerances permitted under the said act. Misbranding was alleged for the further reason that the packages containing the article had been coated on the ends thereof with paint or other substance, which constituted a device that was intended to, and would mislead a purchaser to believe that said cans and packages were new and fresh, when, as a matter of fact, the same were old and stale and rusty.

On July 24, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10671. Adulteration and misbranding of vinegar. U. S. * * * v. 100 Cases of Vinegar. Goods released on bond. (F. & D. No. 8692. I. S. No. 2567-p. S. No. E-955.)

On or about December 24, 1917, the United States attorney for the Southern district of Florida, 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, each containing 24 glass jars of vinegar, at Tampa, Fla., consigned by Old Homestead Mfg. Co., Richmond, Va., alleging that the article had been shipped on or about August 20, 1917, from Richmond in the State of Virginia, and transported into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The jars were labeled: "20 fluid ounces Log Cabin Brand Albemarle Pure Apple Cider Vinegar Old Homestead Mfg. Co. Richmond, Virginia, Reduced to 4 per cent."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with said vinegar so as injuriously to affect its quality and strength, and for the further reason that the distilled vinegar or dilute acetic acid had been substituted in part for said pure apple cider vinegar.

Misbranding was alleged for the reason that the article was labeled "Pure Apple Cider Vinegar," whereas, in truth and in fact, it was not pure apple vinegar, in that it contained distilled vinegar or added dilute acetic acid, for