

false and misleading, in that the said statements represented that the article was malt vinegar and that the Kitchen King brand vinegar and a portion of the Blue Pine brand vinegar had an acidity of 4 per cent or 4½ per cent, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was malt vinegar and that the Kitchen King brand vinegar and a portion of the Blue Pine brand vinegar had an acidity of 4 per cent or 4½ per cent, as the case might be, whereas, in truth and in fact, it was not malt vinegar but was distilled vinegar, certain portions of which were artificially colored and certain portions of which had acidity less than declared on the labels. 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 October 24, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12885. Adulteration of butter. U. S. v. Willow Springs Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18101. I. S. No. 6886-v.)

On April 2, 1924, the United States attorney for the Western District of Missouri, 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 Willow Springs Creamery Co., a corporation, Willow Springs, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about June 25, 1923, from the State of Missouri into the State of Louisiana, of a quantity of butter which was adulterated.

Analyses of 12 samples of the article by the Bureau of Chemistry of this department showed that the said samples averaged 16.37 per cent moisture and 79.08 per cent milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be.

On October 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

12886. Adulteration of shell eggs. U. S. v. 6 Cases, et al., of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18954, 18955, 18957, 19030, 19032. S. Nos. W-1561, W-1562, W-1563, W-1577, W-1578.)

On or about August 23 and September 9, 1924, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 192 cases of shell eggs, remaining in the original unbroken packages at Denver, Colo., consigned by George Kliren, alleging that the article had been shipped between the dates of August 9 and 26, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs, which were unfit for food.

On or about September 25, 1924, the cases having been consolidated into one action and George Kliren, Trenton, Nebr., claimant, having admitted the allegations of the libels 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be examined under the supervision of this department, and the bad eggs destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12887. Misbranding of vanilla extract. U. S. v. 34 Dozen Bottles of Vanilla Extract. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18722. I. S. No. 20208-v. S. No. W-1513.)

On June 7, 1924, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-

tion of 34 dozen bottles of vanilla extract, at Great Falls, Mont., alleging that the article had been shipped by the Stone-Ordean-Wells Co., Duluth, Minn., on or about February 20, 1924, and transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Two Fluid Ounces Stone's Pure Extract Vanilla Stone-Ordean-Wells Company Duluth. Alcohol 40%."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the bottles and cartons relative to the measure and contents thereof, "Two Fluid Ounces Stone's Pure Extract Vanilla Alcohol 40%," was false and misleading and deceived and misled the purchaser, in that the bottles did not contain the volume and content as labeled. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked and stated on the outside of the packages in terms of weight and measure.

On August 13, 1924, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12888. Adulteration of walnuts in shell. U. S. v. 10 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19080. I. S. No. 13990-v. S. No. E-4990.)

On October 24, 1924, 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 a libel praying the seizure and condemnation of 10 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Philippe Vergnaud, from Bordeaux, France, on or about November 7, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On November 21, 1924, James W. McGlone, New York, N. Y., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12889. Adulteration of canned sardines. U. S. v. 15 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19150. I. S. No. 13329-v. S. No. E-5008.)

On November 13, 1924, 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 a libel praying the seizure and condemnation of 15 cases of sardines, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., on or about October 1, 1924, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Banquet Brand American Sardines * * * Packed by L. D. Clark & Son, Eastport, Maine."

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

On December 8, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*