

12890. Misbranding and alleged adulteration of vinegar. U. S. v. 53 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15463. I. S. No. 812-t. S. No. C-3262.)

On October 11, 1921, the United States attorney for the Northern District of Iowa, 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 53 barrels of vinegar at Dubuque, Iowa, consigned by the Douglas Packing Co., Fairport, N. Y., alleging that the article had been shipped from Fairport, N. Y., on or about July 26, 1921, and transported from the State of New York into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Apple Cider Vinegar Made From Selected Apples * * * Rochester, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that it had been made wholly or partly from evaporated or dried apple products, and because of such fact its quality or strength had been reduced and lowered.

Misbranding was alleged in substance for the reason that the statement appearing on the said barrels "Apple Cider Vinegar Made From Selected Apples" was false and misleading, 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 pure apple cider vinegar, when in fact it was in whole or in part made from evaporated or dried apples containing barium. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Apple Cider Vinegar."

On December 2, 1924, the Douglas Packing Co. having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

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

12891. Misbranding of bakery products. U. S. v. the Lindquist Cracker Co., a Corporation. Plea of guilty. Fine, \$120. (F. & D. No. 18465. I. S. Nos. 8540-v, 8541-v, 11337-v, 11338-v, 11342-v, 11344-v.)

On June 20, 1924, the United States attorney for the District of Colorado, 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 Lindquist Cracker Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the dates of December 10, 1923, and January 4, 1924, from the State of Colorado into the States of Oklahoma, New Mexico, and Texas, respectively, of quantities of bakers' products which were misbranded. The articles were labeled variously: "Chocolate Bon Bons Net Weight 4 Ozs. Lindquist's Trade Mark Sincerity Denver, Colo.;" "Sincerity Lemon Wafers The Lindquist Cracker Co. Denver, Colo. * * * Minimum Net Weight 6¾ Ozs.;" "Lemon Snaps The Lindquist Cracker Co. Denver, Colo. Net Weight 4 Ounces;" "Sincerity Cocoanut Dainties The Lindquist Cracker Co. Denver, Colo. Minimum Net Weight 7½ Oz."

Examination of the articles by the Bureau of Chemistry of this department showed that the packages contained less than the quantity declared on the respective labels.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Weight 4 Ozs.," "Minimum Net Weight, 6¾ Ozs.," "Minimum Net Weight 7½ Oz.," borne on the labels attached to the packages containing the respective articles, were false and misleading, in that the said statements represented that the said packages contained 4 ounces, 6¾ ounces, or 7½ ounces, as the case might be, of the respective articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 4 ounces, 6¾ ounces, or 7½ ounces, as the case might be, of the respective articles, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective labels but did contain less amounts. 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.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$120.

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

12892. Misbranding of candy. U. S. v. the Savage Candy Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 19001. I. S. Nos. 20021-v, 20654-v.)

At the November, 1924, term of the United States District Court within and for the District of Colorado, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Savage Candy Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 7, 1924, from the State of Colorado into the State of Nebraska, and on or about May 22, 1924, from the State of Colorado into the State of Wyoming, of quantities of candy which was misbranded. The article in the shipment of May 7 was labeled in part: "Savage's Chocolate Dipped Willies Dream 5¢ The Savage Candy Co. Denver, Net Weight 2 Oz. Or Over." The article in the shipment of May 22 was labeled in part: "Savage's Turkish Delight 10¢ Net Weight 2½ Oz. Or Over 10¢."

Examination by the Bureau of Chemistry of this department of 300 packages of "Willies Dream" showed that the average net weight of the packages examined was 1.64 ounces. Examination of 48 packages of "Turkish Delight" showed that the average net weight of the packages examined was 2.08 ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Weight 2 Oz. Or Over" and "Net Weight 2½ Oz. Or Over," borne on the respective labels, were false and misleading, in that the said statements represented that the packages contained 2 ounces net weight, or 2½ ounces net weight, as the case might be, of the said article, and, for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said packages contained 2 ounces net weight, or 2½ ounces net weight, as the case might be, of the said article, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective labels but did contain less amounts. 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, since the stated weight was more than the actual contents of the package.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

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

12893. Misbranding of oil. U. S. v. Theodore Economu and Emanuel G. Ritsos (Economu-Ritsos Co.). Pleas of guilty. Fine, \$150. (F. & D. No. 16214. I. S. Nos. 6614-t, 6615-t, 6616-t.)

On June 26, 1922, 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 Theodore Economu and Emanuel G. Ritsos, trading as Economu-Ritsos Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on April 13, 1921, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. The article was labeled in part: (Can) "Extra Fine Quality Oil For Salads Victory Brand * * * Net Contents 1 Gallon" (or "Net Contents ½ Gallon" or "Net Contents One Quart") "Packed By Economu-Ritsos Co., Inc., New York."

Examination by the Bureau of Chemistry of this department of a sample from each of the lots showed a shortage of 2.2 per cent in the contents of the alleged gallon cans, of 2.63 per cent in the contents of the alleged half-gallon cans, and of 8.46 per cent in the contents of the alleged quart cans.

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents 1 Gallon," "Net Contents ½ Gallon," and "Net Contents One Quart," borne on the respective-sized cans containing the article, were false and misleading, in that the said statements represented that the cans contained 1 gallon net, one-half gallon net, or 1 quart net of the said article, as the case might be, and for the further reason that it was labeled