13219. Adulteration and misbranding of bleached grain. U. S. v. 270 Sacks of Bleached Grain. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18690. I. S. No. 18304–v. S. No. E–3927.)

On May 21, 1924, the United States attorney for the Southern District of Georgia, 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 270 sacks of bleached grain, remaining in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped by S. Zorn & Co., from Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Cresent Mixed Oats Other Grains Zorn Bleached Grain," (tag) "150 Lbs. Bleached Crescent Grain Made By S. Zorn, & Co. Louisville, Ky. * * * Ingredients: Oats, Barley And Other Grains."

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that it represented that the article was mixed oats, whereas it was not mixed oats but was screenings, and the words "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the designation "Oats," borne on the tag attached to the sack, was false and misleading and deceived and misled the purchaser, in that it represented that the article was oats, barley, and other grains, whereas it was not oats, barley, and other grains but was screenings.

On June 17, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, 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 $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled "Bleached Crescent Grain Screenings."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13220. Adulteration of tomato catsup. U. S. v. 640 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16758. I. S. No. 3008–v. S. No. E–4132.)

On September 1, 1922, the United States attorney for the Southern District of Georgia, 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 640 cases, containing 8-ounce bottles, of tomato catsup, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by H. N. Weller & Co., from Richmond, Mich., on or about October 22, 1920, and transported from the State of Michigan into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Line Brand Tomato Catsup."

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, an analysis of the said product showing the presence of excessive mold.

On February 5, 1923, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13221. Adulteration of canned sardines. U. S. v. 39 Cases and 36 Cases of Sardines. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 19170. I. S. Nos. 13199–v, 13200–v. S. No. E–5013.)

On or about November 15, 1924, the United States attorney for the Northern 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 75 cases of sardines, at Binghamton, N. Y., alleging that the article had been shipped by the Seacoast Canning Co., Eastport, Me., on or about July 8, 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 consignment consisted of two brands labeled in part, respectively: "Sea Lion Brand Maine Sardines Packed By Seacoast Canning Co.,

Eastport, Me.," and "Continental Maine Sardines Packed By Seacoast Canning Co., Eastport, Me."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 18, 1925, a decree of the court was entered, condemning and forfeiting the product and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13222. Adulteration and misbranding of vinegar. U. S. v. 50 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16986. I. S. No. 4046-v. S. No. C-2938.)

On November 21, 1922, the United States attorney for the Western District of Wisconsin, 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 50 barrels of vinegar, at Madison, Wis., alleging that the article had been shipped by the Powell Corp. from Canandaigua, N. Y., September 20, 1922, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article bore the label, to wit," "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd. By The Powell Corp. Canandaigua, N. Y.," which said label was false and misleading and deceived and misled the purchaser, in that the article did not contain pure cider vinegar but contained distilled vinegar and a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product.

On November 29, 1923, the Powell Corp., Canandaigua, N. Y., 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 $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Evaporated Apple Products Vinegar and Distilled Vinegar Reduced to 4% Acidity."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13223. Misbranding of H and H water. U. S. v. 25 Crates Natural H and H Water and 5 Cases Concentrated H and H Water. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16347. I. S. Nos. 12711-t, 12712-t. S. No. C-3648.)

On May 29, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 crates of natural H and H water and 5 cases of concentrated H and H water, remaining in the original unbroken packages at Nashville, Tenn., alleging that the articles had been shipped by the H & H Water Co., Dawsonsprings, Ky., in part February 8 and in part March 11, 1922, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The natural water was labeled in part: (Bottle) "Indigestion, Stomach, Liver, and Kidney Troubles Malaria, Female Troubles." The concentrated water was labeled in part: (Bottle) "Indigestion, Stomach Liver and Kidney Troubles, Bright's Disease, * * * Jaundice, Malaria."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the natural water contained about 3.7 grams and the concentrated water about 190 grams per liter of dissolved mineral matter, most of which was magnesium sulphate.

Misbranding of the articles was alleged in substance in the libels for the reason that the labels on the containers (bottles) bore the above-quoted statements regarding the curative and therapeutic effects of the said articles, which