

11713. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16528. I. S. No. 4801-v. S. No. C-2936.)

On November 14, 1922, the United States attorney for the Southern District of Ohio, 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 7 barrels of vinegar at Hamilton, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about October 3, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% * * * Man'fd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. 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 May 3, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the facts set forth in the libel and 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 \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11714. Adulteration and misbranding of canned salmon. U. S. v. 38 Cases of Salmon. Product sorted and good portion released to claimant. Decree of condemnation and forfeiture with respect to bad portion; product delivered to State Fisheries Department for fish food. (F. & D. No. 16898. I. S. No. 7743-v. S. No. W-1225.)

On October 27, 1922, 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 praying the seizure and condemnation of 38 cases of salmon at Seattle, Wash., alleging that the article had been shipped by W. A. Estus, from Seldovia, Alaska, October 5, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Red N. P. Tall Cans."

Adulteration of the article was alleged in the libel for the reason that fish other than salmon had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement, "Red N. P. Tall Cans," borne on the case containing the article, was false and misleading and deceived and misled the purchaser. 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 April 3, 1923, the Seldovia Packing Co., having appeared as claimant for the property, an order of the court was entered providing for the release of the product under bond in the sum of \$500, to be reconditioned. On May 22, 1923, the product having been sorted under the supervision of this department and 27 cases thereof having been found to meet the requirements of law, it was ordered by the court that the said 27 cases be released to the claimant and that the remaining $7\frac{1}{8}$ cases of the product be condemned and forfeited and delivered to the State Fisheries Department to be used as fish food in the State fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11715. Misbranding of crab meat. U. S. v. James W. Wheeler (Wheeler & Barnes). Plea of guilty. Fine, \$15. (F. & D. No. 16943. I. S. Nos. 18256-t, 18261-t.)

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district an information against James W. Wheeler, trading as Wheeler & Barnes, Biloxi Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about May 31 and June 6, 1922, respectively, from the State of Mississippi into the State of Texas, of quantities of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the 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.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11716. Misbranding of crab meat. U. S. v. William Cruso (William Cruso & Co.). Plea of guilty. Fine, \$15. (F. & D. No. 16952. I. S. No. 18257-t.)

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Cruso, trading as William Cruso & Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 6, 1922, from the State of Mississippi into the State of Texas, of a quantity of crab meat in unlabeled cans which was misbranded.

Misbranding of the article was alleged in the information for the 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.

During the February, 1923, term of the said district court, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11717. Adulteration and misbranding of canned oysters. U. S. v. 90 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17349. I. S. No. 7989-v. S. No. W-1349.)

On March 12, 1923, the United States attorney for the Southern District of California, 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 90 cases of oysters, remaining in the original unbroken packages at Los Angeles, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about January 16, 1923, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Maryland Chief Brand Baltimore * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," was false and misleading and deceived and misled the purchaser.

On March 23, 1923, J. Langrall & Bro., Inc., Baltimore Md., 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 in compliance with the provisions of the said act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11718. Misbranding of assorted jellies and assorted preserves. U. S. v. 200 Cases of Assorted Jellies, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17336, 17401, 17402, 17403, 17441. I. S. Nos. 8175-v to 8182-v, incl., 8703-v to 8712-v, incl., 8724-v to 8731-v, incl. S. Nos. W-1335, W-1356, W-1357, W-1358, W-1362, W-1363.)

On or about March 19 and 29 and April 6 and 7, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Sec-