

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15101-15150

[Approved by the Secretary of Agriculture, Washington, D. C., November 18, 1927]

5101. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15403. I. S. No. 9097-t. S. No. E-3588.)

On September 28, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar, at Asheville, N. C., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., August 5, 1921, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples * * * Rochester."

It was alleged in substance in the libel that the article was adulterated, in that vinegar made from dried apple products had been mixed and packed therein so as to reduce, lower, or injuriously affect its quality, and had been substituted wholly or in part for apple cider vinegar.

Misbranding was alleged for the reason that the statement "Apple Cider Vinegar Made from Selected Apples" was false and misleading when applied to a product made from dried apple products. 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.

On February 13, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned that it not be sold or otherwise disposed of contrary to law.

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

5102. Adulteration of oranges. U. S. v. 132 Boxes and 88 Boxes of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21903, 21942. I. S. Nos. 14569-x, 16702-x. S. Nos. E-6074, E-6079.)

On April 15 and 23, 1927, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 220 boxes of oranges, remaining in the original unbroken packages, in part at Boston, Mass., and in part at Springfield, Mass., consigned about March 30, 1927, alleging that the article had been shipped by the Standard Growers Exchange, Lucerne Park, Fla., and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.