

9189. Adulteration and misbranding of vinegar. U. S. * * * v. 38 Dozen Bottles, 5 Dozen Bottles, 36 Dozen Bottles, and 25 Dozen Bottles * * * of Distilled Spirit Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13994, 14060, 14061. I. S. Nos. 8685-t, 8681-t, 8682-t, 8683-t. S. Nos. E-2914, E-2906.)

On December 4 and 13, 1920, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, libels for the seizure and condemnation of 38 dozen, 5 dozen, 36 dozen, and 25 dozen bottles, more or less, of distilled spirit vinegar, at Washington, D. C., alleging that the article had been offered for sale and sold at the District aforesaid, by C. W. Davis & Son, on or about November 3, September 11, July 1, and August 18, 1920, respectively, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Contains 8 Fluid Ozs." (or "11 Fluid Ozs.") "Analostan Brand Distilled Spirit Vinegar Colored For Table And Pickling Use Bottled By C. W. Davis & Son, * * * Washington, D. C. * * *"

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for distilled vinegar, which the article purported to be, and for the further reason that the article had been mixed and colored in a manner whereby damage or inferiority had been concealed.

Misbranding was alleged for the reason that the article was labeled "Distilled Spirit Vinegar 8" (or "11") "fluid ounces," which labeling was false and misleading and deceived and misled the purchaser by representing that the article was distilled spirit vinegar, whereas, in truth and in fact, it was not, but was a substance deficient in acetic acid, 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, distilled spirit vinegar, and 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 March 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9190. Adulteration and misbranding of oil of sassafras, oil of birch, oil wintergreen, birch oil, and oil wintergreen leaf. U. S. * * * v. James B. Johnson. Plea of guilty. Fine, \$250 and costs. (F. & D. Nos. 9240, 9668, 10123. I. S. Nos. 1135-p, 13611-r, 6401-r, 13603-r, 13607-r, 13639-r, 13642-r, 13640-r.)

On March 12, 1919, and thereafter, 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 three informations against James B. Johnson, trading at Hickory, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of North Carolina, on or about October 27, 1917, and November 30, 1918, into the States of New York and New Jersey, respectively, of quantities of oil of sassafras, on or about July 24 and November 30, 1918, respectively, into the State of New Jersey, of quantities of birch oil or oil of birch, on or about July 13, 1918, into the State of Ohio, of a quantity of oil of birch, on or about July 13 and August 15, 1918, respectively, into the State of New York, of quantities of oil of wintergreen or oil wintergreen leaf, and on or about November 30, 1918,