

On September 15, 1920, P. E. Harris & Co., claimant for a portion of the goods, having admitted the allegations of the libel and having consented to a decree, and on September 14, 1920, the American Oriental Sales Corporation, Seattle, Wash., having entered an appearance as claimant for the balance of the goods, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000 by the respective claimants, in conformity with section 10 of the act, said bonds being conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

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

9230. Adulteration of sauerkraut. U. S. * * * v. 909 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13512. I. S. No. 1613-t. S. No. C-2396.)

On August 30, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 900 cases of sauerkraut, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped by the Purcell Grocery Co., Ardmore, Okla., on February 16, 1920, and transported from the State of Oklahoma into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Old Faithful Brand Sauer-Kraut."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the Food and Drugs Act, paragraph 6, under "Food," for the reason that it was a filthy, decomposed, and putrid vegetable substance, and therefore inedible and unfit for human consumption.

On November 17, 1920, 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.

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

9231. Adulteration and misbranding of vinegar. U. S. * * * v. 58 Barrels of Vinegar. Decree condemning the article as adulterated and misbranded. Product released on bond. (F. & D. No. 13743. I. S. No. 5155-t. S. No. E-2795.)

On October 4, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 58 barrels of vinegar, at Boston, Mass., consigned by the Kistler Vinegar Works, Stroudsburg, Pa., on or about May 22, 1920, alleging that the article had been transported from the State of Pennsylvania into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "* * * Hatchet Brand Pure Fermented Apple Cider Vinegar * * *"

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

Misbranding was alleged in substance for the reason that the statement, "Pure Fermented Apple Cider [Vinegar]," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On March 2, 1921, the Twitchell-Champlin Co., Boston, Mass., having entered an appearance as claimant for the property and having executed a good and sufficient bond, in conformity with section 10 of the act, a decree was entered finding the product to be adulterated and misbranded and condemning the same, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings.

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

9232. Adulteration of tomato purée. U. S. * * * v. 6,972 Cans and 1,349 Cases of Tomato Purée * * *. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14024. I. S. Nos. 4055-t, 4056-t. S. Nos. C-2610, C-2611.)

On December 14, 1920, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6,972 cans and 1,349 cases, more or less, of tomato purée, remaining unsold and in the original unbroken packages at Fremont, Mich., alleging that the 6,972 cans of the article had been shipped by Jaqua & Co., Winchester, Ind., on or about December 9, 1918, and that the 1,349 cases of said article had been shipped by J. M. Paver & Co., of Chicago, Ill., invoiced by said Jaqua & Co., on or about December 20, 1918, and that the two shipments had been transported from the States of Indiana and Illinois, respectively, into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part, "Witch Brand Tomato Puree * * * Contents 6 lbs. 7 oz." The remainder of the article was unlabeled.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 1921, 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.

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

9233. Adulteration and misbranding of Jamaica ginger. U. S. * * * v. 13 Gross Bottles of * * * Tincture of Jamaica Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14404. I. S. No. S266-t. S. No. E-3090.)

On February 4, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 gross bottles of tincture of Jamaica ginger, consigned on January 7, 1921, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Chemical Trading Co., New York, N. Y., and transported from the State of New York into the State of Maryland, 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 it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength as determined by the test laid down in said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength fell below the professed standard and quality under which it was sold, to wit, "Tincture of Jamaica Ginger U. S. P. IX."

Misbranding was alleged for the reason that the statements on the label, "Tincture of Jamaica Ginger U. S. P. IX," and "2 oz.," were false and misleading in that the article was not tincture of ginger of United States Pharma-