

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 16, 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.

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

11467. Adulteration of canned salmon. U. S. v. 200 Cases of Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17355. I. S. No. 8344-v. S. No. W-1327.)

On March 10, 1923, 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 200 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Marathon Fishing & Packing Co., from Cape Fanshaw, Alaska, arriving at Seattle, Wash., November 10, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Loyal Brand * * * Salmon Net Contents One Pound Loyal Brand Pink Salmon Packed In Alaska By Marathon Fishing & Packing Co. Seattle, Wash. U. S. A."

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 animal substance.

On March 31, 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 delivered to the State Fisheries Department to be used as fish food.

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

11468. Adulteration of walnut meats. U. S. v. 8 Cases of Walnut Meats. Decree entered ordering release of good portion and destruction of bad portion. (F. & D. No. 17257. I. S. No. 8329-v. S. No. W-1307.)

On February 8, 1923, 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 8 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., Los Angeles, Calif., January 14, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dark Amber 50 Lbs. Net R 22 Order Of Sanitary Nut Shelling Co., L. A. Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 1, 1923, the Imperial Candy Co., Seattle, Wash., having entered an appearance as claimant for the property and the product having been released to the claimant under bond to be reconditioned, and it appearing that but 51½ pounds of the article were bad, it was ordered by the court that the said 51½ pounds of the article be destroyed by the United States marshal and the remainder released to the said claimant.

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

11469. Adulteration of green olives in brine. U. S. v. 109 Barrels of Italian Green Olives in Brine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17380. I. S. No. 324-v. S. No. E-4329.)

On March 19, 1923, the United States attorney for the Southern 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 109 barrels of Italian green olives in brine, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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

On May 16, 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.

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

11470. Misbranding of meat scraps. U. S. v. Wilson & Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 13233. I. S. Nos. 24640-r, 24645-r, 24647-r.)

On December 13, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wilson & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about December 5, 1919, January 4 and 9, 1920, respectively, from the State of Illinois into the State of Indiana, of quantities of meat scraps which were misbranded. The article was labeled in part: "Red W Brand Meat Scraps for Poultry Guaranteed Analysis Protein 50% * * * Manufactured by W Wilson & Co. U. S. A."

Analyses by the Bureau of Chemistry of this department of samples taken from the three consignments of the article showed that the said samples contained 38.93, 38.80, and 40.63 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 50%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 50 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of protein, whereas, in truth and in fact, it did not contain 50 per cent of protein, but each of the various consignments did contain a less amount of protein, namely, approximately 40.63, 38.80, and 38.93 per cent, respectively, of protein.

On May 4, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

11471. Misbranding and alleged adulteration of vinegar. U. S. v. 41 Cases and 87 Cases of Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14112, 14134. I. S. Nos. 5242-t, 5245-t. S. Nos. E-3013, E-3030.)

On December 23, 1920, and January 4, 1921, respectively, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 128 cases of vinegar, remaining unsold in the original unbroken packages, in part at Providence and in part at Pawtucket, R. I., consigned by the Naas Cider & Vinegar Co., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., in part September 28 and in part October 26, 1920, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Steuben Brand * * * Reduced * * * Vinegar * * * Made From Apples * * * Net Contents One Pint * * * Naas Cider & Vinegar Co., Inc. Cohocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with and substituted wholly or in part for cider vinegar. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "Steuben Brand Reduced To 4 % Acetic Acid Reduced Cider Vinegar Fermented Made From Apples," together with a pictorial representation of a red apple, borne on the labels of the bottles containing a portion of the said article, and the statements, to wit, "Steuben Brand * * * Reduced Cider Vinegar Fermented Made From Apples," borne on the labels of