

of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

22760. Misbranding of vinegar. U. S. v. 50 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32608. Sample no. 68002-A.)

Sample bottles of vinegar taken from a shipment involved in this case were found to contain less than 1 pint of the labeled volume. The article was also misbranded as to the name of the manufacturer and the place of manufacture.

On April 26, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of vinegar at Charleroi, Pa., alleging that the article had been shipped in interstate commerce on or about February 28, 1934, by the C. H. Musselman Co., from Inwood, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fox Brand Pure Apple Cider Vinegar * * * Contents One Pint Fox Grocery Co. Charleroi, Pa., Uniontown, Pa."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Pint", was false and misleading and tended to deceive and mislead the purchaser, and in that the statement, "Fox Grocery Co. Charleroi, Pa., Uniontown, Pa.", was false and misleading and tended to deceive and mislead the purchaser, since the statement implied that the Fox Grocery Co. was the manufacturer of the product, whereas the C. H. Musselman Co., of Biglerville, Pa., was the manufacturer. Misbranding was alleged further for the 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, since the quantity stated was incorrect.

On June 21, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22761. Misbranding of Provegmin. U. S. v. 25 Bags of Provegmin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32610. Sample no. 68561-A.)

This case involved an interstate shipment of feed that contained less protein and more fiber than declared on the label.

On April 26, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of Provegmin at Chestertown, Md., alleging that the article had been shipped in interstate commerce on or about March 15, 1934, by Ronck & Bevis Co., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Provegmin (Open Formula) Protein 38%, * * * Fiber 6.00%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Protein 38% * * * Fiber 6.00%", were false and misleading and tended to deceive and mislead the purchaser.

On June 13, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22762. Adulteration of apple butter. U. S. v. 30 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32611. Sample no. 71085-A.)

This case involved an interstate shipment of apple butter, samples of which were found to contain lead.

On April 26, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of apple butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 30, 1934, by the Pacific Northwest Canning Co., from Puyallup, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Paul's Skookum Apple Butter. Distributors Pacific Northwest Canning Co."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On June 7, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22763. Adulteration of tomato sauce. U. S. v. 575 Cases, et al., of Tomato Sauce. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32328, 32449, 32450, 32451, 32615. Sample nos. 65874-A, 68669-A, 68679-A, 68680-A, 68681-A.)

These cases involved shipments of tomato sauce that contained mold.

On March 15, March 29, March 30, and April 28, 1934, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,093 cases of canned tomato sauce at Memphis, Tenn., alleging that the article had been shipped in interstate commerce, in part on or about January 11, 1934, by the Beach Packing Co., and in part on or about February 8, 1934, by the California Sea Food Co., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "El Trono Brand Spanish Style Tomato Sauce * * * Packed by Beach Packing Co., Cannery Newport Beach, Calif."

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.

On June 28, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22764. Adulteration of canned spinach. U. S. v. 200 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32660. Sample no. 69776-A.)

This case involved an interstate shipment of canned spinach, samples of which were found to be putrid and to contain botulinus toxin.

On April 30, 1934, 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 a libel praying seizure and condemnation of 200 cases of spinach at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1934, by the Frank M. Wilson Co., from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cock O'The Walk California Spinach * * * Grown for and packed by Tri-Valley Packing Association San Francisco."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, botulinus toxin, which might have rendered it injurious to health. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 25, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22765. Adulteration of canned spinach. U. S. v. 393 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. & D. no. 32862. Sample no. 69097-A.)

This case involved a shipment of canned spinach that was in part decomposed.

On May 1, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 393 cases of spinach at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about March 29, 1934, by the Tri-Valley Packing Association, Modesto, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Canned Spinach * * * Nugget Brand Frank M. Wilson Co."