

21675. Adulteration of bluefins. U. S. v. 3 Boxes of Fish. Default decree of destruction. (F. & D. no. 31303. Sample no 42539-A.)

This case involved a shipment of bluefins that were found to be infested with worms.

On October 19, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 100-pound boxes of fish at Covington, Ky., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by the Hogstad Fish Co., from Duluth, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of portions of animals unfit for food.

On October 19, 1933, the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that they be destroyed by the United States marshal.

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

21676. Adulteration and misbranding of apple cider vinegar. U. S. v. Speas Manufacturing Co. Plea of nolo contendere. Fine and costs, \$25. (F. & D. no. 30215. Sample nos. 16627-A, 17009-A, 32719-A to 32724-A, incl.)

This case was based on several interstate shipments of a product represented to be apple cider vinegar. Examination of samples showed that one of the lots consisted of evaporated apple products, vinegar and distilled vinegar, and that the remaining lots consisted of apple cider vinegar containing added water, and in certain instances, also distilled vinegar.

On August 30, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Speas Manufacturing Co., a corporation, trading at Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 4, 1932, from the State of Tennessee into the State of Florida, on or about April 6 and 7, 1932, from the State of Tennessee into the State of Georgia, and on or about August 7, 1932, from the State of Tennessee into the State of Kentucky, of quantities of vinegar that was adulterated and misbranded. A portion of the article was labeled in part: "Old Time Pure Apple Cider Vinegar Mfg. by Speas Mfg. Co. Memphis, Tenn." The remainder was labeled in part: "Old Time Apple Cider Vinegar Speas Mfg. Co. Kansas City and Branches."

It was alleged in the information that a portion of the article was adulterated in that a mixture of evaporated apple products, vinegar and distilled vinegar, had been substituted for pure apple cider vinegar, which the article purported to be. Adulteration was alleged with respect to the remainder for the reason that substances, added water in certain of the lots, and added water and diluted acid (distilled vinegar) in certain other lots, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted for apple cider vinegar, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Pure Apple Cider Vinegar", with respect to a portion of the article, and the statement, "Apple Cider Vinegar", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, apple cider vinegar.

On October 21, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a penalty of \$25 in lieu of fine and costs.

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

21677. Misbranding of cottonseed screenings. U. S. v. National Cottonseed Products Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 30210. Sample nos. 19803-A, 19805-A.)

This case was based on the interstate shipment of quantities of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the labels.