

findings of the analyst, and it having failed to do so, the facts were, on July 7, 1908, reported to the Attorney-General and the case was referred to the United States attorney for the southern district of Ohio, who filed an information against the said Heekin Spice Company, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*

(N. J. 72.)

MISBRANDING OF CANNED CHERRIES.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in case of the United States *v.* 100 cases of canned cherries, a proceeding of libel for seizure and condemnation of said goods under section 10 of the aforesaid act, lately pending in the district court of the United States for the district of Colorado, wherein the Spratlen-Anderson Mercantile Company, a corporation of Denver, Colo., was claimant. The cherries had been packed by the Woodscross Canning and Pickling Company, Woodscross, Utah, and by them shipped to the said Spratlen-Anderson Mercantile Company, and were misbranded within the meaning of the act in that they were so labeled as to make it appear that each case contained 2 dozen cans weighing $2\frac{1}{2}$ pounds each, whereas the gross weight of each can was found to vary from 2 pounds $2\frac{1}{2}$ ounces to 2 pounds $5\frac{1}{2}$ ounces. The claimant having admitted the allegations of the libel the court adjudged the goods misbranded, and on January 13, 1909, entered its decree in substance and in form as follows:

UNITED STATES OF AMERICA,
District of Colorado, ss:

IN THE DISTRICT COURT OF THE UNITED STATES WITHIN AND FOR THE DISTRICT
OF COLORADO.

THE UNITED STATES OF AMERICA, <i>Libellant,</i>	} No. 2228.
<i>vs.</i>	
ONE HUNDRED CASES OF CANNED CHERRIES.	

ORDER.

In this cause, it appearing to the court that (the said United States of America, by Thomas Ward, jr., United States attorney for the district of Colorado, and

the Spratlen-Anderson Mercantile Company, a corporation, the claimants and owners of the property seized herein, by L. F. Spratlen, its president, consenting thereto) under the process issued in this cause ninety-six (96) cases of canned cherries were seized by the United States marshal at the city and county of Denver, State of Colorado, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein; that is to say, for the reason that the said cases were misbranded in this, that the said cases purported to contain two dozen cans of cherries, each can containing two and one-half pounds of cherries, whereas, in truth and in fact, the said cans in said cases did not contain to exceed two pounds of cherries, and the said brands upon the said cases were, therefore, misleading and calculated to deceive purchasers:

And it further appearing, by like consent, that said the Spratlen-Anderson Mercantile Company has agreed that an order may be entered at once condemning and confiscating said property to the United States;

It is therefore ordered, adjudged, and decreed that the said property above described, now in the possession of the marshal of the court, be, and the same is hereby, declared to be forfeited and confiscated to the United States.

It is further ordered, however, that upon payment by said the Spratlen-Anderson Mercantile Company of the costs of this proceeding and the execution and delivery of a good and sufficient bond, to be filed with the clerk in this cause, conditioned that this property shall not be sold or otherwise disposed of contrary to the provisions of the act (ch. 3915, 59th Congress) commonly known as the "Pure Food and Drugs Act" (act of June 30, 1906), or contrary to the laws of the State of Colorado, then the marshal of this court is hereby directed to deliver said property to said the Spratlen-Anderson Mercantile Company, or its agents.

By the court.

(Signed) ROBT. E. LEWIS, *Judge.*

It is hereby stipulated and agreed that the foregoing order may be entered of record in the above cause.

THOMAS WARD, Jr.,
United States Attorney for the District of Colorado.
 THE SPRATLEN-ANDERSON MER. CO.,
 By L. F. SPRATLEN, *Pres.*

The facts in the case were as follows:

On or about the 5th day of December, 1908, an inspector of the Department of Agriculture found in the possession of the Spratlen-Anderson Mercantile Company, at Denver, Colo., 100 cases of canned cherries, which had been received on November 12, 1908, from the Woodscross Canning and Pickling Company, Woodscross, Utah. Fifty cases of this consignment, each containing 24 cans, were labeled "2 doz. 2½ lbs. Black Cherries, Woodscross Canning and Pickling Co., Woodscross, Utah," and the remaining 50 cases, each containing 24 cans, were labeled "2 doz. 2½ lbs. White Cherries, Woodscross Canning and Pickling Company, Woodscross, Utah." A number of the cans contained in said cases were weighed in the Bureau of Chemistry, United States Department of Agriculture, and the gross weight of each was found to vary from 2 pounds 2½ ounces to 2 pounds 5½

ounces. The cases were therefore misbranded within the meaning of section 8 of the act, and on the 7th day of December, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Colorado and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*

(N. J. 73.)

MISBRANDING OF VINEGAR.

(COLORED IMITATION FRUIT VINEGAR.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 22d day of January, 1909, in the district court of the United States for the district of Indiana, in a proceeding of libel for seizure and condemnation of misbranded vinegar, that is to say, forty barrels of distilled vinegar artificially colored in imitation of apple or cider vinegar, labeled and branded "Price and Lucas, Old Homestead Blended Vinegar," wherein the United States was libelant and Price and Lucas Cider and Vinegar Company, a corporation of Louisville, Ky., was claimant, the said claimant having filed its answer and the cause coming on for a hearing, a decree of forfeiture and condemnation was rendered by the court in substance and form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE DISTRICT OF INDIANA.

UNITED STATES	}
<i>vs.</i>	
FORTY BARRELS OF VINEGAR, MORE OR LESS.	

Now, at this day comes the United States, by Joseph B. Kealing, United States attorney for the District of Indiana, and the Price and Lucas Cider and Vinegar Company, a corporation, by A. R. Hambly, its secretary, claimant and owner of the said forty barrels of vinegar, by Charles W. Moores, their proctor, and this cause now coming on to be heard on the filing therein and after due deliberation being had in the premises, the court finds that all of the allegations contained in the libel are true and that the United States is entitled