Adulteration of the product was alleged in the information for the reason that it was labeled in such a manner as to purport to be coffee, whereas, in truth and in fact, other substances had been substituted wholly and in part for the article, to wit, cereal and legumes, as demonstrated by the analysis of samples of the product by the Bureau of Chemistry of the Department of Agriculture. Misbranding was alleged for the reason that there was printed on the product as the label thereof and on the 10-pound bags thereof the words and figures: "Arabian Blend Climax X," and said statement, "Arabian Blend Climax X," borne on the label, as aforesaid, was false and misleading for the reason that the aforesaid language conveyed and sought to convey the impression that the product was coffee, whereas, in truth and in fact, it was not coffee but a mixture of roasted cereal and legume prepared in imitation of coffee. Misbranding was alleged for the further reason that the product was an imitation of another article, to wit, coffee, and was not labeled, branded and tagged so as to plainly indicate that it was an imitation, and was so labeled and branded as to deceive and mislead the purchaser, being labeled and branded: "Arabian Blend Climax X," thus deceiving and misleading the purchaser into the belief that it was coffee when as a matter of fact it was not coffee but, on the contrary, a mixture of roasted cereal and legumes.

On January 10, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

B. F. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2864. Adulteration and misbranding of orangeade. U. S. v. Tobias Miller (Golden Gate Fruit Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 4048. I. S. No. 2630-d.)

On April 4, 1913, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tobias Miller, doing business under the firm name and style of "Golden Gate Fruit Co.," San Gabriel, Cal., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of California into the State of Washington, of a quantity of orangeade which was adulterated and misbranded. The product was labeled: (On front of bottle) "Golden Gate Fruit Co. San Gabriel, Dolgeville & Alhambra, Cal. New York, N. Y. Orangeade Preserved with 1/10 of 1% bensoate of soda, color added Made from the finest selected fruit and granulated sugar Guaranteed by Golden Gate Fruit Co. under the National Food & Drugs Act, June 30, 1906." (On other side of bottle) "GGFCo Shake Well Before Using This syrup is made from ripe California oranges and granulated sugar. When diluted with six or seven parts of iced or carbonated water a delicious drink is produced. Also used for ices, creams and punches; a valuable article to have at your home"

Analysis of a sample of the product by the Bureau of Chemistry of this Department, showed the following results:

Solids (per cent)	64.7
Sucrose (Clerget) (per cent)	7.1
Reducing sugar, as invert (per cent)	56.3
Nonsugar solids (per cent)	1.3
Total acidity as citric (per cent)	1.33
Citric acid by Pratt method (per cent)	.75
Ash (grams per 100 cc)	.15
Potassium oxid in ash (per cent)	31
Sodium oxid in ash (per cent)	24
Color	Artificial

Adulteration of the product was alleged in the information for the reason that it was purported by its label to have been made from ripe California oranges and granulated sugar, whereas, in fact, other substances, to wit, citric acid and a coal tar dye,

had been substituted in whole or in part for said oranges and granulated sugar. Misbranding was alleged for the reason that the statements "Orangeade made from the finest selected fruit and granulated sugar," and "Made from ripe California oranges and granulated sugar," borne on the labels, were false and misleading in that they created the impression that the product was made solely from orange juice and sugar, when in truth and in fact said product contained citric acid and a coal-tar dye, the words "color added" appeared on said labels in such small type as not to correct the false impression created by the remainder of the label, and the presence of citric acid not being declared at all.

On September 2, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2865. Adulteration of tomatoes. U. S. v. 75 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 4060. S. No. 1409.)

On June 1, 1912, the United States Attorney for the Southern District of Alabama, 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 75 cases of tomatoes remaining unsold in the original unbroken packages and in the hands of M. Forchheimer & Co., Mobile, Ala., alleging that the product had been shipped on December 2, 1911, by the John Boyle Co., Baltimore, Md., and transported from the State of Maryland into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Victory Brand, for soup, strained tomato trimmings and tomatoes. Always empty contents in a glass or earthen dish as soon as opened. Packed by the John Boyle Co., at Baltimore, Md., average weight 10 oz."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of, to wit, 40,000,000 bacteria per cubic centimeter, to wit, 50 yeasts and spores per one-sixtieth cubic millimeter, and to wit, mold filaments found in 83 per cent of the microscopic fields examined, and that the same further contained pieces of decayed tissue of microscopic size, the exact amount of which was unknown to the United States Attorney, and was therefore adulterated in that it consisted in part of filthy and decomposed vegetable substance.

On April 15, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 9, 1914.*

2866. Alleged adulteration of milk. U. S. v. William Elliott. Tried to the court and a jury. Verdict of not guilty by the jury. (F. & D. No. 4122. I. S. No. 1565-d.)

On July 15, 1912, the United States Attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Elliott, Central Village, Conn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 6, 1911, from the State of Connecticut into the State of Rhode Island, of a quantity of milk which was alleged to have been adulterated. The can containing the product had a wooden plug marked "W. E. 5."

Bacteriological examination of a sample of said product by the Bureau of Chemistry of this Department showed the following results: 13,000,000 bacteria per cc, plain agar, 37° C., for 48 hours; 13,000,000 bacteria per cc, litmus lactose agar, 25° C., for 48 hours; 8,000,000 acid organisms per cc; 1,000,000 gas-producing organisms per cc; 100,000 streptococci; temperature at collection, 21° C. Adulteration of the product