

label, statement, design, and device was false and misleading, to wit, that said oil purported by said label, statement, design, and device to be pure olive oil, when, in truth and in fact, said oil was not pure olive oil, but was composed in substantial part of cottonseed oil and oils other than olive oil. Misbranding was alleged for the further reason that the packages containing the oil bore a label reading as aforesaid, to wit, that said oil purported by its label to be pure olive oil, but was in fact composed in large part of cottonseed oil and oils other than olive oil, and was in manner and form as aforesaid so labeled and branded as to mislead the purchaser.

During the month of September, 1913, the case having come on for final disposition and 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 sold by the United States marshal.

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

WASHINGTON, D. C., *February 18, 1914.*

2876. Misbranding of candy. U. S. v. The Ohio Confection Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4208. I. S. No. 1869-d.)

On November 15, 1912, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Ohio Confection Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 19, 1911, from the State of Ohio into the State of New York, of a quantity of candy which was misbranded. The product was labeled: "Chocolate Italian Cream Glazed Victor Brand Guaranteed by the Ohio Confection Co., Cleveland, O., under the Food and Drugs Act, June 30, 1906. No. A 5836."

Examination of a sample of the product by the Bureau of Chemistry of this Department indicated that it was of domestic origin manufactured in the United States. Misbranding of the product was alleged in the information for the reason that the statement "Chocolate Italian Glazed Cream" borne on the label was false and misleading, as it conveyed the impression that the product was of foreign origin, whereas, in truth and in fact, it was not of foreign origin, but was manufactured in the United States. Misbranding was alleged for the further reason that the statement "Chocolate Italian Glazed Cream" borne on the label misled or deceived the purchaser into the belief that the product was of foreign origin, whereas, in truth and in fact, it was not of foreign origin, but was manufactured in the United States.

On December 7, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

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

WASHINGTON, D. C., *February 18, 1914.*

2877. Adulteration and alleged misbranding of wild cherry and pepsin tonic. U. S. v. The Schuster Co. Plea of guilty to count 1 of information. Fine, \$25 and costs. Second count of information nolle prossed. (F. & D. No. 4229. I. S. No. 1617-d.)

On November 15, 1912, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Schuster Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 1, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of wild cherry and pepsin tonic which was adulterated and alleged to have been misbranded. The product was labeled: (Stenciled upon one end of wooden barrel) "Wild Cherry and Pepsin Tonic. Artificially flavored and preserved with 1/10 of 1% Benzoate of Soda." (Other end) "American Wine and Spirit Co., 126 No. 3rd Philadelphia, Pa." (Railroad marks) "D 22428 8 3 11."

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

Alcohol (per cent by volume).....	0.56
Solids by specific gravity (grams per 100 cc).....	30.40
Nonsugars (grams per 100 cc).....	2.64
Ash (grams per 100 cc).....	.056
Soluble alkalinity (cc N/10 acid per 100 cc).....	8.8
Total acids as tartaric (grams per 100 cc).....	1.45
Soluble P ₂ O ₅	None.
Insoluble P ₂ O ₅	Trace.
Benzoic acid (grams per 100 cc).....	.09
Commercial glucose.....	None.
Color removed by fuller's earth (per cent).....	95
Benzaldehyde per liter (grams per 100 cc).....	.31
Hydrocyanic acid.....	None.
Color, coal tar dyes.....	None.
Reducing sugars, direct (grams per 100 cc).....	26.17
Polarization; direct, at 20° C. (°V.).....	+22.0
Polarization, invert, 87° C. (°V.).....	0
Solids by drying at 70° in vacuum (grams per 100 cc).....	30.2
Reducing sugars after inversion, as invert (grams per 100 cc).....	27.78

Adulteration of the product was alleged in the first count of the information for the reasons that a product, to wit, an imitation wild cherry and pepsin tonic, artificially colored and flavored, was mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and that an imitation of wild cherry and pepsin tonic, artificially colored and flavored, had been substituted wholly or in part for the genuine wild cherry and pepsin tonic which the article purported to be. Misbranding was alleged in the second count of the information for the reasons that the statement on the label thereof, "Wild Cherry and Pepsin Tonic" was false and misleading, as it conveyed the impression that the product contained genuine wild cherry, whereas in fact the same was a mixture of imitation wild cherry and pepsin, artificially colored and flavored, and that it was labeled and branded so as to deceive the purchaser into the belief that it contained genuine wild cherry, whereas it was prepared in part from an imitation extract of wild cherry, artificially colored and flavored.

On November 23, 1912, the defendant company entered a plea of guilty to the first count of the information and the court imposed a fine of \$25 and costs. The second count of the information, charging misbranding, was nolle prossed.

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

WASHINGTON, D. C., *February 18, 1914.*

2878. Adulteration and misbranding of sugar butter. U. S. v. James E. Carpenter. Plea of guilty. Fine, \$25. (F. & D. No. 4235. I. S. No. 16092-d.)

On December 2, 1913, the United States Attorney for the Northern 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 an information against James E. Carpenter, Utica, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on September 25, 1911, from the State of New York into the State of Indiana, of a quantity of so-called sugar butter which was adulterated and misbranded. The product was labeled: "One and one-half pounds or more net weight. Superior Brand Creamed Sugar Butter Contains 75% Cane Sugar; 15% Compound Syrup, Maple Flavored; 9½% Fondant, Vegetable Color. Made by Maple Product Co., Utica, N. Y. Guaranteed by Maple Product Co. under the Food and Drugs Act, June 30, 1906, Serial No. 28560 A."