

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a food product containing but a trace of meat, that is to say, 0.1 per cent of meat, was substituted for what the article of food by its said label and brand purported to be, namely, mincemeat containing a substantial amount of meat. Misbranding of the product was alleged in the information for the reason that the label and brand thereon bore statements regarding the article of food and the ingredients and substances contained therein, which said statements, to wit, "Mince Meat" * * * "Composed of the following articles": "Meat * * *," and "The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained," were false, misleading, and deceptive, in that said statements purported and represented the article to be a mincemeat containing a substantial proportion of meat, whereas, in truth and in fact, the article of food contained but a trace, that is to say, 0.1 per cent of meat. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser, in that said label and brand was calculated and intended to convey the impression and create the belief that the article of food was a product containing a substantial amount of meat, whereas, in truth and in fact, it did not contain a substantial amount of meat, but contained only a trace, that is to say, 0.1 per cent of meat.

On October 28, 1913, the defendant company entered a plea of *nolo contendere* to the information and the court imposed a fine of \$25, with costs of \$15.20.

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

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

2883. Adulteration and misbranding of mincemeat. U. S. v. The W. H. Marvin Co. Plea of *nolo contendere*. Fine, \$25 and costs. (F. & D. No. 4270. I. S. No. 13553-d.)

On November 8, 1912, the United States attorney for the Southern 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 W. H. Marvin Co., a corporation, Urbana, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on October 5, 1911, from the State of Ohio into the State of West Virginia, of a quantity of so-called mincemeat which was adulterated and misbranded. The product was labeled: "Blue Ribbon Brand Condensed Mincemeat. Packed by The W. H. Marvin Co., Urbana, O. This mincemeat is guaranteed to meet the requirements of the National Pure Food Law enacted June 30, 1906, and is composed of the following articles: meat, raisins, currants, apples, sugar, syrup, salt, vinegar, spices and fruit juices. The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained. 12 oz. net."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Out of 300 grams examined, approximately two-tenths of 1 per cent of meat present; no suet found. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a food product containing but a trace of meat, that is to say 0.2 per cent of meat, was substituted for what the product by its label and brand purported to be, namely, mincemeat containing a substantial amount of meat. Misbranding was alleged for the following reasons, to wit: First: That the label and brand on the article bore statements regarding it and the ingredients and substances contained therein, which said statements, to wit, "Mincemeat," "Meat, . . ." and "The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained," were false, misleading, and deceptive, in that said statement purported and represented the article to be a mincemeat containing a substantial proportion of meat, whereas, in truth and in fact, the article contained but a trace of meat, namely, 0.2 per cent. Second: That the article was labeled and branded as aforesaid so as to deceive and mislead the purchaser, in that said label and brand was calculated and intended to convey the impression and create the belief that it was a product containing a substan-

tial amount of meat, whereas, in truth and in fact, it did not contain a substantial amount of meat but contained only a trace of meat, namely, 0.2 per cent.

On October 28, 1913, the defendant company entered a plea of nolo contendere 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.*

2884. Adulteration and misbranding of olive oil. U. S. v. Giovanni Cristani. Plea of guilty. Fine, \$25. (F. & D. No. 4273. I. S. No. 15310-d.)

On August 6, 1912, 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 of the United States for said district an information against Giovanni Cristani, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 6, 1911, from the State of New York into the State of Connecticut, of a quantity of so-called olive oil which was adulterated and misbranded. The product was labeled: "Pure Olive Oil. Product of Italy. Cono Brand. Finest olive oil for table use and medicinal purposes. Serial No. 12265. Guaranteed under United States Pure Food and Drugs Act, June 30, 1906. Olio D'Oliva Puro. Prodotto Italiano. Cono. Pure olive oil. Product of Italy. Cono."

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

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| Specific gravity at 15.50° C..... | 0.9196 |
| Refractive index at 15.50° C..... | 1.4738 |
| Odor and taste: Rancid. | |
| Cottonseed oil (Halphen test)..... | Positive. |
| Iodin number..... | 109.0 |
| Free fatty acids as oleic (per cent)..... | 0.97 |
| Sesame oil (villavecchia test)..... | Negative. |

Adulteration of the product was alleged in the information for the reason that a substance, namely, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, in that a substance, namely, cottonseed oil, had been substituted in part for the article. Misbranding was alleged for the reason that the package and label of the article bore a statement, design, and device regarding it and the ingredients and substances contained therein which was false and misleading for the reason that the article, which purported to be a pure olive oil, in fact consisted essentially of cottonseed oil.

On November 18, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

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

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

2885. Alleged misbranding of syrup. U. S. v. Bludwine Co. Tried to the court and a jury. Verdict, not guilty. (F. & D. No. 4274. I. S. No. 598-d.)

On November 4, 1912, the United States attorney for the Northern District of Georgia, 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 Bludwine Co., a corporation, Athens, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on September 27, 1911, from the State of Georgia into the State of Tennessee, of a quantity of so-called Bludwine syrup which was alleged to have been misbranded. The product was labeled: "Bludwine Syrup. For your health's sake. Guaranteed by Bludwine Co., under Pure Food and Drugs Act, June 30, 1906. Serial No. 8869. Directions. For carbonating—Use 1½ ozs. Bludwine Syrup to 7 oz. Bottle. As a table wine—Use 1 part Bludwine Syrup to four parts pure cold water. Bludwine Co., Athens, Ga."