

were labeled, "Boston Roast Old Government Java finest quality. Imported, roasted and packed expressly for J. Levi & Co., wholesale grocers, Schenectady, N. Y."

Misbranding of the product was alleged in the libel for the reason that the labels and the representations and statements contained thereon were false and misleading, and intended and calculated by the said W. F. Johnson & Co. and the said J. Levi & Co., as they well knew, to deceive, in that said so-called "Boston Roast Arabian Moca finest quality. Imported," was not Arabian Moca coffee, but consisted almost entirely of Santos coffee, and was without any appreciable quantity of Moca contained therein, and the so-called "Boston Roast Old Government Java finest quality imported," was not "Java" coffee, nor was it coffee formerly known by the trade as "Old Government Java," neither was it of the finest quality imported, in that it was a very poor grade of "Bogota."

On December 10, 1912, the said J. Levi & Co., claimant, having stipulated that the allegations in the libel were true, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, but not adulterated, poisonous, or deleterious to health. It was ordered by the court that the product should be re-delivered to said claimant upon payment of the costs of the proceedings, amounting to \$20.57, and the execution of bond in the sum of \$100 in conformity with section 10 of the act.

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

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

2909. Misbranding of pears. U. S. v. 100 Cases of Canned Pears. Product released on bond.
(F. & D. No. 4510. S. No. 1504.)

On September 14, 1912, the United States attorney for the District of Kansas, 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 100 cases, each containing 24 cans of so-called pears remaining unsold in the original unbroken packages and in possession of Jett & Wood, Wichita, Kans., alleging that the product had been shipped on or about July 5, 1912, by J. Langrall & Bro., Baltimore, Md., and transported from the State of Maryland into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. No. 3 Maryland Chief Brand Choice Pears. Packed by J. Langrall & Bro., Inc., Baltimore, Md." (Stencil on side) "Western, Wichita, Kansas." (On cans) "Maryland Chief Choice Pears First Quality Packed by J. Langrall & Bro. Incorporated, Baltimore, Md. In Heavy Syrup" (design of Indian head and a pear).

Misbranding of the product was alleged in the libel for the reason that the label on each of the cases was false and misleading and calculated to mislead and deceive the purchaser into the belief that each of the cases contained choice pears, when, in truth and in fact, they contained pears of an inferior quality and not choice pears, as stated in the label on each of the cases. Misbranding was alleged for the further reason that the label on the outside of each can was such as to mislead and deceive the purchaser into the belief that each of the cans contained choice pears of the first quality, when, in truth and in fact, each of said cans contained inferior pears wholly or in part in small pieces with patches of skin and knots remaining, a portion of which said pieces were either over or under ripe; and, further, in that the label upon the outside of each can was such as to mislead and deceive the purchaser into the belief that each can contained choice pears that were packed or preserved in heavy sirup, when, in truth and in fact, the so-called pears were not packed in heavy sirup, but in sirup that showed only a total solid content of 4.86 per cent; and, further, said pears were packed or preserved in a liquor that was too sour, so as to be unfit for eating without added sugar, and each of the cans contained 48 per cent of liquor, which was more than was necessary for thorough preservation and sterilization.

On December 5, 1912, the said J. Langrall & Bro., claimants, having consented thereto, it was ordered by the court that the product should be released and delivered to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

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

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

2910. Misbranding of Allasch style kummel. U. S. v. Loewenthal-Strauss Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4514. I. S. No. 19069-d.)

On September 27, 1913, 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 Loewenthal-Strauss Co., a corporation, Cleveland, Ohio, alleging shipment by said company, on or about October 21, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called "Allasch Style Kummel," which was misbranded. The product was labeled: "Quatre Premieres Medailles des Expositions Internationales Creme D'Allasch Vitam Excoevare per Artes. Melbourne International Exhibition MDCCCXXX Allasch Style Kummel." (Other part of label in Greek.)

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

Alcohol (per cent by volume).....	39.40
Methyl alcohol.....	None.
Solids (grams per 100 cc).....	9.59
Nonsugar solids.....	Practically none.
Sucrose (grams per 100 cc).....	9.57
Reducing sugars direct (grams per 100 cc).....	0.05
Polarizations, normal weight, dealcoholized sample:	
At 20° C. direct (°V.).....	+9.2
At 20° C. invert (°V.).....	-3.1
At 87° C. invert (°V.).....	0.0
Ash (grams per 100 cc).....	0.012
Total acid.....	Neutral.

Misbranding of the product was alleged in the information for the reason that the statements in foreign languages, together with the designs borne on the label, were false and misleading because they conveyed the impression that the product was a foreign article, whereas, in truth and in fact, it was a domestic product. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, the foreign words, together with the design used on the label, being such as to convey the impression that the product was a foreign article, when, as a matter of fact, it was a domestic article; and for the further reason that it purported to be a foreign product when not so.

On October 18, 1913, the defendant company 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., *March 30, 1914.*

2911. Misbranding of grape brandy. U. S. v. The Nectar Co. Plea of guilty. Fine, \$50. (F. & D. No. 4515. I. S. No. 15334-d.)

On March 7, 1913, 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 The Nectar Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on January 26, 1912, from the State of New York into the State of Connecticut, of a quantity of grape brandy which was misbranded. The product was labeled: "The Nectar Co. Casagallo—Marca di Fabrica—Grappa di