

**The COURT.** Wherever I have not given them, in substance, your exceptions will be saved.

Now, as to the form of the verdict. Do you care anything about the form?

**Mr. HALE.** I do.

**The COURT.** The jury may be excused. You may leave your seats, gentlemen, for a little time.

(The jurors retire from the court room, and the court and counsel go to the judges's lobby to prepare questions to be answered in the verdict. At 11.26 a. m. the jurors again take their seats on the panel, and the following proceedings are had:)

**The COURT.** Gentlemen, the verdict is in the form of questions to be answered by the jury. The questions are as follows:

1. Is the label such as to mislead a reasonably intelligent man into believing that the goods to be sold under it did not contain artificial coloring matter, when in fact they did?

2. Did the 175 boxes of macaroni in this case contain a substantial amount of coloring matter?

3. Is the label misleading in that the picture and scenes thereon are such a statement, design, and device as would lead a reasonably intelligent purchaser to believe that the goods sold under it were of foreign origin?

Under each of these questions is the word "Answer." The jury will direct their attention to each question, and decide whether the question shall be answered by "Yes" or "No." The foreman is to write the word "Yes" or "No" in accordance with what the jury shall find, after each question, and sign the verdict at the place indicated at the bottom of the paper.

The officer may attend the jury. The counsel will see to it that all exhibits go to the jury room.

The jury after due deliberation returned into the court and rendered its verdict in favor of the claimant, having answered all three interrogatories in the negative, and on January 24, 1913, it was ordered by the court that the libel be dismissed.

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

WASHINGTON, D. C., March 30, 1914.

2960. Adulteration and misbranding of vanilla flavor. U. S. v. The William Haigh Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 4737. I. S. No. 20260-d.)

On July 16, 1913, the United States attorney for the District of Maryland, 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 Haigh, doing business under the name and style of The William Haigh Co., Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 15, 1912, from the State of Maryland into the State of Ohio, of a quantity of vanilla flavor, which was adulterated and misbranded. The product was labeled: "Special XXXX Vanilla Flavor Special Flavoring for ice cream and candies Prepared from vanilla beans, added vanillin & coumarin. High concentrated Extracts, Fruit Juices, Etc. The William Haigh Co. Manufacturing Chemists 128 S. Calvert St. Baltimore, Md." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Coumarin (per cent).....	0. 10
Vanillin (per cent).....	0. 20
Lead number.....	0. 23
Total solids (per cent).....	4. 64
Ash (per cent).....	0. 21
Alkalinity of ash (cc N/10 potassium hydroxid per 100 grams).....	28. 0
Extract neutral to litmus.	
Reducing sugars (per cent).....	0. 23
Sucrose (per cent).....	3. 29

Adulteration of the product was alleged in the information for the reason that certain substances, to wit, vanillin and coumarin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and for

the further reason that certain substances, to wit, vanillin and coumarin, had been substituted in part for the article. Misbranding was alleged for the reason that the labels on the product bore the following statement regarding the article, to wit, (in large type) "XXXX Vanilla Flavor," which said statement was false and misleading in that it conveyed to the purchaser thereof that the article was genuine vanilla flavor, whereas, in truth and in fact, it was not a genuine vanilla flavor, but an imitation vanilla flavor containing added vanillin and coumarin, the added statement appearing on the label, "Prepared from vanilla beans, added vanillin and coumarin," being comparatively in very small type and insufficient to correct the impression created by the statement "XXXX Vanilla Flavor." Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled (in large type) "XXXX Vanilla Flavor," thereby creating the impression that the product was a genuine vanilla flavor, whereas in truth and in fact it was not a genuine vanilla flavor but an imitation vanilla flavor containing added vanillin and coumarin, the added statement appearing on the labels, "Prepared from vanilla beans, added vanillin and coumarin," being comparatively in very small type and insufficient to correct the false and misleading impression created by the statement in large type, "XXXX Vanilla Flavor."

On October 9, 1913, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

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

WASHINGTON, D. C., March 30, 1914.

**2961. Adulteration of canned apples. U. S. v. 100 Cases of Canned Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 4738. S. No. 1556.)

On November 2, 1912, the United States attorney for the Western District of North Carolina, 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 2 dozen cans of apples remaining unsold in the original unbroken packages, and in possession of the Smitherman-Stone Co., Winston, N. C., alleging that the product had been shipped by B. L. Crowder, Troutville, Va., on or about October 6, 1911, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled (in pencil) "Apples;" also "Sanitary Tomatoes two dozen (design of tomato) size 3 packed by F. A. Reynolds, Troutville, Va." Each of the cans was labeled: "Cedar Hill Brand Apples. Contents guaranteed to comply with the Pure Food Law, packed by S. A. Shaver, Troutville, Va." Adulteration of the product was alleged in the libel for the reason that it contained and there was mixed therewith gasoline and other petroleum product which was not a normal and desirable constituent of canned apples and which rendered them unpalatable and unfit for food.

On June 12, 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 and that the Smitherman-Stone Co. should pay the costs of the proceedings.

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

WASHINGTON, D. C., March 30, 1914.

**2962. Adulteration and misbranding of mineral water. U. S. v. National Water Co. Plea of nolo contendere. Fine, \$10.** (F. & D. No. 4743. I. S. No. 1249-d.)

On July 18, 1913, the United States attorney for the District of Maryland, 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 National Water Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on August 25, 1911, from the State of Maryland into the District of Columbia, of