

(2) On January 17, 1912, from the State of New Jersey into the State of Massachusetts, of a quantity of wild cherry candy which was adulterated and misbranded. This product was labeled: "Wild Cherries Essex-Brand-Jersey Made Confectionery A Guarantee of purity. Wholesome and delightful. Gives an appetite for more. Made by Lewis Brothers, Newark, N. J. Guaranty legend, Serial No. 2623."

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

Colored with cochineal. No coal-tar color.

Benzaldehyde (per cent).....	0.0061
Sulphurous acid (mg per kilo).....	32
Alcohol precipitate (per cent).....	15.62

No fruit flavors present. No persistent fruity flavors in residue from distillation. Flavors wholly volatile and artificial.

Adulteration of the product was alleged in the information for the reason that it was artificially flavored with benzaldehyde which had been substituted in part for the product flavored with genuine wild cherry flavor which the article purported to be. Misbranding was alleged for the reason that the statement "Wild Cherries" borne on the label was false and misleading because it tended to mislead and deceive the purchaser into the belief that the product contained genuine wild cherry flavor, when, as a matter of fact, it did not contain genuine wild cherry flavor, but was artificially flavored with benzaldehyde, and, further, that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Wild Cherries," thereby creating the impression that it contained genuine wild cherry flavor, when, in truth and in fact, it did not contain wild cherry, but was artificially flavored with benzaldehyde.

On October 22, 1913, defendants entered a plea of non vult to the information, and on October 27, 1913, the court suspended sentence.

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

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

**2973. Adulteration and misbranding of vinegar. U. S. v. 40 Barrels of Vinegar. Decree of condemnation by default. Goods ordered sold. (F. & D. No. 4801. S. No. 1580.)**

On November 14, 1912, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 21, 1913, an amended libel, for the seizure and condemnation of 40 barrels of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages, and in possession of W. A. Chambers & Co., Clarksville, Tenn., alleging that the product had been shipped on or about October 3, 1912, by R. M. Hughes & Co., Louisville, Ky., and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. M. Hughes & Co. Pure Apple Cider Vinegar. Serial No. 26475. Louisville, Ky. Water only used in bringing to uniform strength." There were also penciled figures on one end of the barrels indicating the net contents thereof.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a mixture of distilled vinegar or dilute acetic acid which had been prepared in imitation of cider vinegar and had been mixed and packed with the product so as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that the numerals placed or branded on the barrels to indicate the true contents or net contents therein in gallons or measure were false and misleading, each of the barrels containing a smaller number of gallons than the numerals thereon indicated, and the contents of the barrels as to quantity or gallons were not correctly stated by the brands on the same nor by the invoice in any instance, but the quantity of vinegar therein was less by several gallons than indicated by the invoice and by the numerals branded on the barrels, as aforesaid.

On April 9, 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 sold by the United States marshal after relabeling.

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

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

**2974. Adulteration and misbranding of vino vermouth. U. S. v. Italian Importing Co. Plea of guilty. Fine, \$100.** (F. & D. No. 4805. I. S. No. 19531-d.)

On June 23, 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 Italian Importing Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 21, 1911, from the State of New York into the State of Illinois, of a quantity of so-called vino vermouth which was adulterated and misbranded. The product was labeled: "De Martini Vino Vermouth. The Italian Importing Co. of New York. A Compound Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 19441. The Italian Importing Co. of New York. New York. Extra." Analysis of a sample of the product by the Bureau of Chemistry of this department showed that alcohol and water had been substituted in whole or in part for wine.

Adulteration of the product was alleged in the information for the reason that there had been substituted in part for the genuine article, vino vermouth, other substances, to wit, alcohol and water. Misbranding of the product was alleged for the reason that it was misbranded and labeled, as aforesaid, so as to mislead and deceive the purchaser thereof, in that the statements, designs, and devices on the label thereof, regarding said article and the ingredients and substances contained therein, were false and misleading, in that said label would indicate that the article was a genuine Italian vermouth, whereas, in truth and in fact, it was an imitation vermouth in which a large amount of alcohol and water had been substituted for wine. Misbranding was alleged for the further reason that the statement "Vino Vermouth" on the label thereof, regarding said article and the ingredients and substances contained therein, was false and misleading in that said words would indicate that the article was a genuine wine of vermouth, whereas, in truth and in fact, it was not wine of vermouth but was an imitation thereof, and was a product consisting largely of water, alcohol, flavoring matter, and a small amount of wine.

On November 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

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

**2975. Adulteration of tomato pulp. U. S. v. William Numsen & Sons. Plea of guilty. Fine, \$10.** (F. & D. No. 4806. I. S. No. 15289-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 Numsen & Sons, a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on November 13, 1911, from the State of Maryland into the State of Texas, of a quantity of tomato pulp which was adulterated. The product was labeled: "Tomato Pulp for Soup, Packed by Wm. Numsen & Sons. Incorporated. Main Office Baltimore, Md. U. S. A. Made from pieces and trimmings of tomatoes. \* \* \* Clipper Brand. Contains 10 oz. or over."

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

Yeasts and spores, 49 per one-sixtieth cubic millimeter. Bacteria, 28,000,000 per cc. Mold filaments in 80 per cent of the microscopic fields. Decayed pieces of tissue of macroscopic size present.