

signed and intended for food, as aforesaid, consisted of a compound of constituent substances other than lemon oil which had been in whole substituted for lemon oil in said product. Misbranding was alleged for the reason that the said article so designed and intended for food, as aforesaid, and so labeled and branded, as aforesaid, contained the statement on said label and brand that the article contained 1.16 per cent lemon oil, whereas, in truth and in fact, the said article and product contained no lemon oil.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and no sentence was imposed by the court.

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

WASHINGTON, D. C., June 8, 1914.

**3277. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 2449. I. S. Nos. 9424-c, 9425-c, 9426-c, 9427-c, 9428-c.)**

On February 15, 1913, the United States attorney for the Western District of Tennessee, 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 Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 14, 1910, from the State of Tennessee into the State of Texas, of a quantity of different brands of so-called cider which was adulterated and misbranded. The first brand was labeled: "Apple Cider. Guarantee. The contents of this package, as originally filled, are guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, or fermented juice of grapes or other small fruits, or alcoholic liquors being added.) Contains 1/10 of 1% Benzoate of Soda; sweetened with artificial sweetening matter and conforms with the provisions of the Food and Drugs Act as passed by Congress of June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

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

Specific gravity (20°C./4°C.)	1.0483
Alcohol (per cent by volume)	6.13
Solids (grams per 100 cc)	14.89
Sucrose: None.	
Reducing sugars (as dextrose) (grams per 100 cc)	9.80
Polarization, direct, at 22° C. (°V.)	+13.9
Polarization, invert, at 22° C. (°V.)	+14.0
Polarization, invert, at 87° C. (°V.)	+13.6
Ash (grams per 100 cc)	0.28
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	17.5
Soluble P <sub>2</sub> O <sub>5</sub> (mg per 100 cc)	5.1
Insoluble P <sub>2</sub> O <sub>5</sub> (mg per 100 cc)	16.2
Volatile acid, as acetic (grams per 100 cc)	0.39
Fixed acid, as malic (grams per 100 cc)	0.23
Color (degrees, brewer's scale, 0.5 inch)	6.0
Coal tar color: None detected.	
Color (caramel): None detected.	
Sodium benzoate (approx.) (grams per 100 cc)	0.16
Saccharin: Present.	
Iodin test for erythro-dextrin: Negative.	
Alcohol precipitate (grams per 100 cc)	1.78
Pentosans (grams per 100 cc)	0.268

Adulteration of the product was alleged in the information for the reason that it was not an apple cider but was a compound alcoholic beverage prepared in imitation of cider. Misbranding of the product was alleged for the reason that it was not a pure apple cider but an imitation cider, made in part of a fermented solution of impure starch sugar and containing a high amount of dextrin; for the further reason that the label thereon was calculated to deceive and mislead the purchaser or purchasers of the product, because said label conveyed and was calculated to convey the impression that the product was apple cider, when, in truth and in fact, it was not an apple cider; for the further reason that the label thereon contained the statement that said product contained  $\frac{1}{10}$  of 1 per cent of benzoate of soda, when, in fact, it contained a larger amount or percentage of benzoate of soda than stated on said label; for the further reason that the label was calculated to deceive and mislead the purchaser or purchasers of said product into the belief that it was a nonintoxicating and nonalcoholic beverage, in that said label stated "Guaranteed to be made from apple juice, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added)," implying by inference that the product as aforesaid was nonalcoholic, when, in fact, it was an intoxicating beverage, containing approximately 6 per cent by volume of alcohol; and for the further reason that the label did not state that the product contained alcohol, or the amount thereof contained.

The remaining barrels of the product were labeled: "Apple Base Cider. Guarantee. The contents of this package, as originally filled, are guaranteed to be made from apples, fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits being added.) Flavored with artificial flavor; colored with vegetable color, and contains 1/10 of 1% Benzoate of Soda; sweetened with artificial sweetening matter and conforms to the provisions of the Food and Drugs Act, as passed by Congress June 30th, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn."

Certain of the barrels labeled as last above stated had upon said label in large capital letters the words "Peach Flavor;" certain other of the labels on said barrels bore the words "Apricot Flavor;" and certain other labels bore the words "Dark Grape Flavor;" and certain of the other labels bore the words "Catawba Flavor." Analyses of samples of the foregoing products by said Bureau of Chemistry showed the following results:

Determination.	No. 1.	No. 2.	No. 3.	No. 4.
Specific gravity (20°/4° C.)	1.0744	1.0763	1.0752	1.0721
Alcohol (per cent by volume)	6.53	7.03	6.65	7.03
Solids (grams per 100 cc)	22.01	22.91	22.30	21.73
Sucrose	None.	None.	None.	None.
Reducing sugars (as dextrose) (grams per 100 cc)	14.19	14.47	14.04	14.31
Polarization, direct, at 22° C. (°V.)	+24.0	+25.5	+24.8	+23.9
Polarization, invert, at 22° C. (°V.)	+24.4	+25.7	+25.0	+24.0
Polarization, invert, at 87° C. (°V.)	+23.2	+25.0	+24.2	+23.4
Ash (grams per 100 cc)	0.26	0.24	0.27	0.19
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	14.8	13.4	17.1	8.4
Soluble P <sub>2</sub> O <sub>5</sub> (mg per 100 cc)	56.8	49.6	63.2	6.7
Insoluble P <sub>2</sub> O <sub>5</sub> (mg per 100 cc)	34.0	32.2	33.1	17.2
Volatile acid, as acetic (grams per 100 cc)	0.26	0.17	0.26	0.20
Fixed acid, as malic (grams per 100 cc)	0.35	0.33	0.35	0.22
Color (degrees, brewer's scale, 0.5 inch)	24.0	32.0	65.0	13.5
Coal tar color	None detected.	None detected.	Present, behaves like Amaranth.	None detected.
Color (caramel)	Present.	Present.	Present.	Present.
Sodium benzoate (approximately) (grams per 100 cc)	0.16	0.14	0.19	0.12
Saccharin	Present.	Present.	Present.	Present.
Iodin test for erythro-dextrin	Negative.	Negative.	Negative.	Negative.
Alcohol precipitate (grams per 100 cc)	3.74	4.42	3.16	2.65
Pentosans (grams per 100 cc)	0.293	0.166	0.276	0.230