

Albert W. Anderson, Ewing, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 23, 1912, from the State of Missouri into the State of Illinois, of a quantity of cream which was adulterated and misbranded. The product was labeled: "To A. L. Brinkman, Quincy, Ill. From A. W. Anderson, Ewing, Mo." (On slip of paper attached to can) "Ewing, Mo., July 23, 1912, A. L. Brinkman. We send you eight (8) gallons of cream today. Will send again Friday or Thursday. A. W. Anderson."

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

Fat by Röse-Gottlieb (per cent).....	15.44
Fat by Babcock (per cent).....	16.5
Specific gravity at 60° F.....	1.018
Formaldehyde: Negative.	
Color: Negative.	

Adulteration of the product was alleged in the information for the reason that it was sold by said defendant under a contract with the purchaser as cream containing from 20 to 22 per cent of fat; and that cream, as the same is known and understood in the trade and by persons dealing in and using the same, contains not less than 18 per cent of milk fat; and that said product was adulterated in that milk containing approximately 16.5 per cent of butter fat, and a materially less quantity than 18 per cent, had been substituted wholly or in large part for the cream which said article purported to be; and, further, in that a substance, to wit, milk, had been substituted wholly or in large part for the genuine article, to wit, cream; and said product, when so shipped and transported, contained only about 16.5 per cent of butter fat and a materially less quantity than 18 per cent. Misbranding was alleged for the reason that the product was a mixture of cream and milk, and contained only about 16.5 per cent of fat and a materially less quantity than 18 per cent of fat, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, cream.

On May 25, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3425. Misbranding of fruit puddine. U. S. v. The Fruit Puddine Co. (Inc.).
Plea of guilty. Fine, \$40. Two counts of information nolle
prossed. (F. & D. No. 1069. I. S. Nos. 2820-b, 2823-b, 2824-b.)

On April 16, 1910, 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 in 10 counts against the Fruit Puddine Co. (Inc.), Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act on November 21, 1908, from the State of Maryland into the State of Ohio of a quantity of fruit puddine of assorted flavors, which was misbranded. One portion of the consignment was labeled: "Fruit Flavored Puddine (Trade Mark Registered) Lemon. Fruit Puddine Co., Baltimore, Md., U. S. A. Fruit Puddine Co., Baltimore, Md., U. S. A." (Picture of dish of fruit is also shown.) Another part of the consignment was labeled: "Fruit Flavored Puddine (Trade Mark Registered) Orange. Fruit Puddine Co., Baltimore, Md., U. S. A. Fruit Puddine. Fruit Puddine Co., Baltimore, Md., U. S. A." (Picture of fruit.) Balance of consignment was labeled: "Fruit Flavored Puddine (Trade Mark Registered) Rose Vanilla.

Fruit Puddine Co., Baltimore, Md., U. S. A. Fruit Puddine. Fruit Puddine Co., Baltimore, Md., U. S. A." (Picture of fruit.)

Analysis of samples of the product labeled as orange and lemon flavor showed that it consisted of cornstarch colored with a coal tar dye, namely, Naphthol Yellow S, and slightly flavored with citral. Analysis of a sample of that part of the product marked "rose vanilla" showed that it was cornstarch colored with Cochineal Carmine and flavored with 0.04 of 1 per cent of vanillin.

Misbranding of a part of the product was alleged in the first count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages containing the same bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Lemon," whereas, in truth and in fact, the said puddine was not fruit flavored. Further misbranding was alleged in the second count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser in that each of the packages bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Puddine," "Fruit Flavored Puddine, Lemon," whereas, in truth and in fact, the said puddine was not a fruit puddine and did not contain any fruit. Further misbranding was alleged in the sixth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Lemon," whereas in truth and in fact the said puddine was not fruit flavored, but was flavored with citral. Further misbranding was alleged in the seventh count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser in that each of the packages bore a certain design regarding the ingredients and substances contained therein, to wit, a dish of fruit, and bore a certain statement regarding said ingredients and substances, which said statement in effect was that the said puddine was a fruit puddine and a fruit flavored puddine, lemon, which said design and which said statement were false and misleading in that they would import that the said puddine contained fruit, or a fruit flavor, whereas in truth and in fact the said puddine did not contain fruit or a fruit flavor.

Misbranding of another portion of the product was alleged in the third count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser in that each of the packages containing the same bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Orange," whereas, in truth and in fact, the said puddine was not fruit flavored. Further misbranding was alleged in the fourth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Puddine," "Fruit Flavored Puddine, Orange," whereas, in truth and in fact, the said puddine was not a fruit puddine and did not contain any fruit. Further misbranding was alleged in the eighth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding the ingredients and substances con-

tained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Orange," whereas, in truth and in fact, the said puddine was not fruit flavored, but was flavored with citral. Further misbranding was alleged in the ninth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain design regarding the ingredients and substances contained therein, to wit, a dish of fruit, and in that each of said packages bore a certain statement regarding the said ingredients and substances, which said statement in effect was that said puddine was a fruit puddine and a fruit flavored puddine, orange, which said design and which said statement were false and misleading, in that they would import that the said puddine contained fruit or a fruit flavor, whereas, in truth and in fact, the said puddine did not contain fruit or a fruit flavor.

Misbranding of the remaining portion of the product was alleged in the fifth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages containing the same bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Rose Vanilla," whereas, in truth and in fact, the said puddine did not contain vanilla, but, on the contrary, contained a quantity of vanillin, to wit, 0.04 of 1 per cent. Further misbranding was alleged in the tenth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Rose Vanilla," whereas, in truth and in fact, the said puddine did not contain vanilla.

On March 26, 1914, the defendant company entered a plea of guilty to the first, second, third, fourth, sixth, seventh, eighth, and ninth counts of the information, and the court imposed a fine of \$40. The fifth and tenth counts of the information were nolle-prossed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3426. Misbranding of imitation lemon flavoring. U. S. v. Fruit Puddine Co. Plea of guilty. Fine, \$5. (F. & D. No. 2371. I. S. No. 11019-c.)

On November 4, 1912, 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 Fruit Puddine Co., a body corporate, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on July 6, 1910, from the State of Maryland into the State of Ohio, of a quantity of imitation lemon flavoring which was misbranded. The product was labeled: "Elk Brand Imitation Lemon Flavoring. Color combination of permitted coal tar dyes described in U. S. Dept. Agriculture. Oil Lemon .75% Alcohol 33% Water 66.25% Color Q.S. Manufactured by Clotworthy Chemical Co., Baltimore, Md."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Lemon oil, none; citral, 0.10 per cent; ethyl alcohol, 31.98 per cent; an unpermitted coal tar color with reactions of Tartrazine, S & J 94.

Misbranding of the product was alleged in the information for the reason that each of the packages containing the same bore a statement, in substance and effect, that said article of food contained 75/100 of 1 per cent oil of lemon,