

3773. Adulteration and misbranding of sirup of tamarind (scioppo tamarindo). U. S. v. Frank Morelli and Louis Botta (Morelli & Botta). Pleas of guilty. Fine, \$10. (F. & D. No. 6075. I. S. No. 2010-h.)

On March 11, 1915, 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 Frank Morelli and Louis Botta, trading under the firm name of Morelli & Botta, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on July 9, 1913, from the State of New York into the State of Maryland, of a quantity of sirup of tamarind, which was adulterated and misbranded. The product was labeled: (Retail packages) "Scioppo Tamarindo Dia Especially Prepared for Italo American Liquor Mfg. Co. New York, U. S. A." (Sticker pasted on) "This bottle contains fluid ounces 25" (also scene of statue and Italian girl.) (Neck label) "Trade Dia Mark."

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

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|---------------------------------------------|--------|
| Contents (fluid ounces)..... | 21. 48 |
| Shortage (per cent)..... | 14. 08 |
| Total solids (per cent)..... | 67. 31 |
| Reducing sugars (per cent)..... | 64. 60 |
| Sucrose (per cent)..... | 0. 90 |
| Total acid as tartaric (per cent)..... | 1. 23 |
| Test for tartaric acid: Positive. | |
| Test for citric acid: Positive. | |
| Color: Caramel. | |
| Ash (per cent)..... | 0. 07 |
| P ₂ O ₅ : Mere trace. | |

Adulteration of the product was alleged in the information for the reason that a preparation consisting of a sugar solution, tartaric acid, and artificial coloring matter, had been substituted in whole or in part for the true tamarind sirup, possessing and deriving its flavor from the tamarind fruit, which the said article purported to be. Misbranding was alleged for the reason that the statement "Scioppo Tamarindo," appearing on the label aforesaid, regarding the said article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article consisted of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind, when, in truth and in fact, the said article did not consist of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind, but did consist, in whole or in part, of a sugar solution, artificially colored, and flavored with tartaric acid. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scioppo Tamarindo," thereby indicating that it consisted of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind, when, in truth and in fact, the said article did not consist of a true sirup of tamarind, an article of food possessing the flavor of tamarind fruit and deriving said flavor from the fruit or juice of the tamarind, but did consist, in whole or in part, of a sugar solution, artificially colored, and flavored with tartaric acid. Misbranding was alleged for the further reason that the article was an imitation of tamarind sirup, being a sugar solution, tartaric acid, and artificial coloring matter, and prepared so as to simulate the appearance and flavor of a true tamarind sirup, an article possessing the flavor of tamarind fruit and deriving its flavor from the fruit or juice of the tamarind. Misbranding was alleged for the further reason that the statement "This bottle contains fluid ounces 25," appearing on the label of the package aforesaid, was false

and misleading, in that it indicated to the purchasers thereof that the said package contained 25 fluid ounces of said article of food, when, in truth and in fact, the said package did not contain 25 fluid ounces of said article of food, but did contain a less amount thereof, to wit, 21.48 fluid ounces. Misbranding was alleged for the further reason that the package aforesaid was labeled "This bottle contains fluid ounces 25" so as to deceive and mislead the purchaser into the belief that the said package contained 25 fluid ounces of the said article of food, when, in truth and in fact, the said package did not contain 25 fluid ounces of the said article of food, but did contain a less amount thereof, to wit, 21.48 fluid ounces.

On March 23, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$5 upon each defendant, or an aggregate fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*