

**4472. Adulteration and misbranding of "Syrup of Tamarinds." U. S. v. William P. Bernagozzi et al. (W. P. Bernagozzi & Bro.). Plea of guilty. Fine, \$50. (F. & D. No. 6546. I. S. No. 4895-h.)**

On November 3, 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 William P. Bernagozzi and Ferdinand Bernagozzi, trading as W. P. Bernagozzi & Bro., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on August 6, 1913, from the State of New York into the State of Ohio, of a quantity of "Syrup of Tamarinds," which was adulterated and misbranded. The article was labeled, in part: (Sticker on neck) A Compound Artificially Colored Made in New York. Guaranteed by W. P. Bernagozzi under the Pure Food & Drugs Act. June 30th 1906 Serial No. 4438 Liquid Contents Twenty-six Ounces." (Main label) "Syrup of Tamarinds A Compound Guaranteed Under the Food and Drugs Act June 30th 1906. Serial No. 4438 Trade mark." (Shipping label) "Guaranteed by W. P. Bernagozzi under the Food & Drugs Act June 30, 1906. Serial No. 4438 New York 12 Bottles Tamarindo Bernag Brand 12 Bottles 5's Fragile \* \* \*."

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

Solids (per cent)-----	59.36
Nonsugar solids (per cent)-----	1.85
Sucrose by copper (per cent)-----	0.60
Reducing sugars as invert, before inversion (per cent)--	56.91
Reducing sugars after inversion (per cent)-----	57.54
Ash (per cent)-----	0.011
Acid as tartaric (per cent)-----	1.67
Tartaric acid (per cent by weight)-----	0.65
Volatile acid, as acetic: None.	
Test for citric acid: Negative.	
Lead subacetate test for caramel: Positive.	
Test for malic acid: Negative.	

The product consists essentially of a sugar sirup artificially colored and flavored and containing little or no tamarind pulp.

Adulteration of the article was alleged in the information for the reason that a sugar sirup, artificially colored and prepared in imitation of tamarind sirup, had been substituted, in whole or in part, for genuine tamarind sirup, which the article purported to be, and for the further reason that the article was an imitation tamarind sirup and was colored with caramel in a manner whereby its inferiority to genuine tamarind sirup was concealed.

Misbranding was alleged for the reason that the following statement regarding the article, or the ingredients or substances contained therein, appearing in prominent type on the principal label aforesaid, to wit, "Syrup of Tamarinds," which labeling was not corrected by the following statement appearing in inconspicuous type upon the principal label, to wit, "A Compound," or by the following statement appearing in inconspicuous type on the neck label, "A Compound Artificially Colored," was false and misleading in that it indicated

to the purchasers thereof, and deceived and misled purchasers into the belief, that the article was composed wholly of genuine tamarind sirup, when, in truth and in fact, it was not, but was composed of, to wit, an imitation tamarind sirup, artificially colored. Misbranding was alleged for the further reason that the article was an imitation tamarind sirup, artificially colored, and was sold under the distinctive name of another article, to wit, tamarind sirup.

On November 8, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*