

4618. Misbranding of cottonseed salad oil, and adulteration and misbranding of scioppo tamarindo. U. S. v. Harry Fried (L. Fried & Sons; Metropolitan Importing Co.; and Lange Bros.). Plea of guilty. Fine, \$50. (F. & D. No. 6956. I. S. Nos. 6788-h, 9539-h, 6540-h, 9641-h, 9542-h, 17961-h.)

On March 6, 1916, 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 Harry Fried, trading variously as L. Fried & Sons, Metropolitan Importing Co., and Lange Bros., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on November 3, 1913, January 3, 1914, March 24, 1914, and April 1, 1914, from the State of New York into the State of Pennsylvania, of quantities of cottonseed salad oil, which article was misbranded, and on April 25, 1914, from the State of New York into the State of Pennsylvania, of a quantity of scioppo tamarindo, which was adulterated and misbranded. Part of the oil shipped November 3, 1913, was labeled: (On retail package) "Marca" (design of star and crescent) "Registrata Net Contents 1 Gall. Olio Sopraffino Di Cotone Marca Luna Crescente Brand Finissima Extra Quality Genuine Cotton seed Salad Oil." (Balance of can was covered with stars and crescents.) (Case was stenciled, in part) "Luna Brand 12 Tins * * *."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed that it gave a Halphen test equal in intensity to that given by pure cottonseed oil. The contents of two tins measured as follows:

- No. 1, contents, 0.856 gallon; shortage, 14.4 per cent.
- No. 2, contents, 0.861 gallon; shortage, 13.9 per cent.
- Average shortage, 14.1 per cent.

The remainder of the oil shipped on November 3, 1913, was labeled: (On retail package) "Marca" (design of crescent and star) "Registrata Net Contents 1/2 Gall. Olio Sopraffino Di Cotone Marca Luna Crescente Brand Finissimo Extra Quality Genuine Cottonseed Salad Oil." (Balance of can was covered with stars and crescents.) (Case was stenciled, in part) "Luna Brand 24 tins * * *."

Analysis of a sample of this article by said Bureau of Chemistry showed that it gave a Halphen test equal in intensity to that given by pure cottonseed oil. The contents of three tins measured as follows:

- No. 1, contents, 0.444 gallon; shortage, 11.2 per cent.
- No. 2, contents, 0.424 gallon; shortage, 15.2 per cent.
- No. 3, contents, 0.443 gallon; shortage, 11.4 per cent.
- Average shortage, 12.6 per cent.

The oil shipped January 3, 1914, was labeled: (On retail can) "Marca" (star and crescent) "Registrata Net Contents 1 Gall. Olio Sopraffino Di Cotone. Marca Luna Crescente Brand Finissimo—Extra Quality. Genuine Cottonseed Salad Oil." (Balance of can was covered with stars and crescents.)

Analysis of a sample of this article by said Bureau of Chemistry showed:

Specific gravity, 15.5° C./15.5° C.-----	0.9230
Index of refraction at 15.5° C.-----	1.4734
Melting point of fatty acids (°C)-----	36.0
Iodin number-----	110
Free fatty acids as oleic (per cent)-----	0.05
Halphen test with 1 per cent olive oil-----	Positive

The contents of two tins measured as follows:

No. 1, contents, 0.835 gallon; shortage, 16.5 per cent.

No. 2, contents, 0.806 gallon; shortage, 19.4 per cent.

Average shortage, 18.0 per cent.

The oil shipped March 24, 1914, was labeled: (On retail package) "Olio Di Cotone—Sopraffino Per Insalata Vincitore Brand Cotton Salad Oil Extra Quality." (Back of can) (Monogram) "L. C. S. Net Contents $\frac{1}{4}$ Gal." (Case was stenciled, in part) "48 cans Vincitore Salad Oil * * *."

The analysis of a sample of this article by said Bureau of Chemistry showed that it gave a Halphen test equal in intensity to that given by pure cottonseed oil. The contents of six tins measured as follows:

No. 1, contents, 0.210 gallon; shortage, 16.0 per cent.

No. 2, contents, 0.210 gallon; shortage, 16.0 per cent.

No. 3, contents, 0.209 gallon; shortage, 16.4 per cent.

No. 4, contents, 0.214 gallon; shortage, 14.4 per cent.

No. 5, contents, 0.210 gallon; shortage, 16.0 per cent.

No. 6, contents, 0.215 gallon; shortage, 14.0 per cent.

Average shortage, 15.6 per cent.

The oil shipped April 1, 1914, was labeled: (On retail package) "Olio Di Cotone—Sopraffino Per Insalata Vincitore Brand—Cotton Salad Oil Extra Quality." (Back of can) (Monogram) "L. C. S. Net Contents 1 Gallon." (Case was stenciled, in part) "12 cans Vincitore Salad Oil * * *."

Analysis of a sample of this article by said Bureau of Chemistry showed that it gave a Halphen test equal in intensity to that given by pure cottonseed oil. The contents of four tins measured as follows:

No. 1, contents, 0.847 gallon; shortage, 15.3 per cent.

No. 2, contents, 0.869 gallon; shortage, 13.1 per cent.

No. 3, contents, 0.878 gallon; shortage, 12.2 per cent.

No. 4, contents, 0.870 gallon; shortage, 13.0 per cent.

Average shortage, 13.4 per cent.

Misbranding of all the oil was alleged in the information for the reason that the statement, to wit, "Net contents 1 gall." (or " $\frac{1}{2}$ gall." or " $\frac{1}{4}$ gall.," as the case might be), regarding the article, was false and misleading in that it indicated that each of the cans contained 1 gallon net (or one-half or one-fourth gallon) of the article, [and] was such as to deceive and mislead the purchaser into the belief that each of the cans contained 1 gallon net (or one-half or one-fourth gallon) of the article, whereas, in truth and in fact, each of the cans did not, but contained a less amount.

The sciroppo tamarindo was labeled: (On retail package) "Sciroppo Tamarindo" (picture of pods). (On shipping package) "Sciroppo Tamarindo Lange Bros. New York."

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

Solids by refractometer (per cent)-----	62.5
Nonsugar solids (per cent)-----	2.26
Sucrose, Clerget (per cent)-----	46.9
Reducing sugars as invert, before inversion (per cent)----	13.34
Commercial glucose-----	None.
Ash (per cent)-----	0.06
Alkalinity of soluble ash (cc N/10 acid per 100 grams)---	12.8
Phosphoric acid (P ₂ O ₅) (per cent)-----	0.005
Tartaric acid-----	None.

Total acids as citric (per cent)-----	1.44
Citric acid-----	Present.
Color ($\frac{1}{2}$ -in. cell, brewer's scale)-----	120
Colored with caramel.	

Product consisted essentially of a sugar sirup flavored with citric acid and colored with caramel.

Adulteration of this article was alleged in the information for the reason that a solution, sweetened, colored, and flavored in imitation of tamarind sirup, had been mixed and packed therewith, so as to lower, or reduce, and injuriously affect its quality and strength, and had been substituted, in whole or in part, for scioppo tamarindo, which the article purported to be.

Misbranding was alleged for the reason that the statement borne on the label of the article, to wit, "Scioppo Tamarindo," regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was genuine tamarind sirup, and was such as to deceive and mislead the purchaser into the belief that it was genuine tamarind sirup, whereas, in truth and in fact, it was not genuine tamarind sirup, but was a solution, sweetened, colored, and flavored in imitation of tamarind sirup.

On March 9, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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