

5061. Adulteration and misbranding of grape juice. U. S. * * * v. Theonett & Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 7194. I. S. No. 14862-k.)

On April 24, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theonett & Co. (Inc.), a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 4, 1915, from the State of Illinois into the State of Missouri, of a quantity of grape juice which was adulterated and misbranded. The article was labeled: (Neck label on bottle.) "Preserved with about 30-1000 of 1% of Sulphur Dioxide Modified and Sweetened with Cane Sugar." (Main label.) "Unfermented Catawba Grape Juice (Design of bunch of grapes) Theonett & Co. Chicago, Ill. Contents 1 Qt." (Tracing of case label) "Unfermented Catawba Grape Juice."

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

Solids (from Brix) (grams per 100 cc)-----	19.42
Reducing sugar as invert before inversion (grams per 100 cc) -----	15.53
Sucrose by copper (grams per 100 cc)-----	2.42
Nonsugar solids (grams per 100 cc)-----	1.47
Ash (grams per 100 cc)-----	0.18
Alkalinity soluble ash (cc N/10 acid per 100 cc)-----	14.5
Alkalinity insoluble ash (cc N/10 acid per 100 cc)-----	4.1
Acidity as tartaric (grams per 100 cc)-----	0.63
Total tartaric acid (grams per 100 cc)-----	0.46
Free tartaric acid (grams per 100 cc)-----	0.19
Cream of tartar (grams per 100 cc)-----	0.27

The above results show that the product has been diluted with sugar solution.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, water and sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for unfermented grape juice, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label of the shipping case, to wit, "Unfermented Catawba Grape Juice," was false and misleading in that it indicated to purchasers thereof that the article consisted of pure unfermented Catawba grape juice; and for the further reason that it was labeled, as aforesaid, so as to deceive and mislead purchasers thereof into the belief that said article consisted of pure unfermented Catawba grape juice, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of grape juice, water, and sugar; and for the further reason that it was a mixture of, to wit, grape juice, sugar, and water, and was an imitation of and offered for sale under the distinctive name of another article, to wit, unfermented grape juice; and for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the main label of the bottle and the label of the shipping case as aforesaid, to wit, "Unfermented Catawba Grape Juice," not corrected by the statement appearing on the neck label of

the bottle aforesaid, to wit, "Modified and Sweetened with Cane Sugar," were false and misleading in that they indicated to purchasers thereof that said article consisted wholly of Catawba grape juice and such as to deceive and mislead purchasers into the belief that said article consisted wholly of Catawba grape juice, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of grape juice, sugar, and water.

On October 11 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*