

On May 28, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1914.*

**2788. Alleged adulteration of frozen eggs and adulteration of dried eggs. U. S. v. Fifty Cans of Frozen Eggs and Eleven Drums of Dried Eggs. Libel dismissed as to fifty cans of eggs. Decree of condemnation and forfeiture as to eleven drums. Product ordered released on bond. (F. & D. No. 2139. S. No. 769.)**

On or about December 2, 1910, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cans of frozen eggs and 11 drums of dried eggs, remaining unsold in the original unbroken packages and in possession of the Eastern States Refrigerating Co., Springfield, Mass., alleging that the product had been shipped from the State of Illinois into the State of Massachusetts and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted in part of filthy, decomposed and putrid animal and vegetable substance.

On February 8, 1912, the libel of information was dismissed as to the 50 cans of frozen eggs in accordance with an agreement between counsel for the Government and claimant.

On September 13, 1912, the case against the 11 drums of dried eggs having come on for hearing before the court, W. C. Cowan, of New York, N. Y., claimant, having filed his answer denying that the product was adulterated, and after hearing the parties by their counsel, it was ordered, adjudged, and decreed by the court that the product, 11 drums of dried eggs, was adulterated and unfit for use in any manner as an article of food, and condemned. It was further ordered by the court that said product be delivered to said claimant upon payment of the costs of the proceedings, amounting to \$103.79, and the execution of bond in conformity with section 10 of the act, and that if said claimant failed to comply with the foregoing order that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1914.*

**2789. Misbranding of strawberry ade syrup. U. S. v. National Pickle & Canning Co. Plea of guilty. Fine, \$10. (F. & D. No. 2187. I. S. No. 2820-c.)**

At the November, 1910, term of the court, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in three counts against the National Pickle & Canning Co., Dodson Braun Branch, a corporation, St. Louis, Mo., alleging shipment by said defendant in the third count of the information in violation of the Food and Drugs Act, on June 25, 1910, from the State of Missouri into the State of Colorado, of a quantity of Cupid Brand Strawberry Ade Syrup, so-called, which was misbranded. The product was labeled: "Cupid Brand Strawberry Ade Syrup. A Concentrated fruit syrup, made from strawberries when in season, and refined sugar. Acid phosphate added. Packed and guaranteed by the National Pickle & Canning Co. Dodson-Braun Branch, St. Louis, U. S. A.," and: "Directions. Use one part of this syrup to seven parts cold or hot water. An improved beverage is made by substituting for plain water, either Appollinaris, Seltzer, Mineral, Soda or Carbonated water. NPCCo."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed sodium benzoate, 0.05 per cent.

Misbranding of the product was alleged in said third count of the information for the reason that the labels thereon, as set forth above, were false and misleading in that the product was represented to be a concentrated fruit sirup made from straw-

berries when in season, and refined sugar with acid phosphate added, whereas, in truth and in fact, there had been added to the product and said product contained benzoate of soda in addition to the ingredients above mentioned; and that said product was so labeled as to mislead and deceive the purchaser into the belief that it was a fruit sirup made with sugar and acid phosphate and strawberries, whereas, in truth and in fact, it contained in addition thereto benzoate of soda, and the presence of said ingredient was not made known to the purchaser by any statement on the labels, and said product was thereby misbranded.

On May 29, 1911, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 on each count thereof as set forth in Notice of Judgment No. 1098, which includes the first and second counts of the information (F. & D. No. 1902), but the disposition of the third count was inadvertently omitted in said notice of judgment.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1914.*

**2790. Misbranding of non-alcoholic grape juice. U. S. v. The Lake Erie Wine Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 2221. I. S. No. 2909-c.)**

On May 9, 1911, the United States Attorney for the Northern District of Ohio, 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 Lake Erie Wine Co., Sandusky, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 26, 1910, from the State of Ohio into the State of Michigan, of a quantity of so-called non-alcoholic grape juice which was misbranded. The product was labeled: "Non-Alcoholic Grape Juice. Catawba. Guaranteed absolutely non-alcoholic. The contents of this package are guaranteed by Serial No. 11119 to comply with the National Pure Food and Drugs Act of June 30, 1906."

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

Specific gravity at 15.6° C.....	1. 07677
Alcohol (per cent by volume).....	1. 47
Alcohol, qualitative.....	Present.
Solids (grams per 100 cc).....	20. 42
Non-sugar solids (grams per 100 cc).....	2. 66
Sucrose by Clerget.....	None.
Reducing sugars as invert (grams per 100 cc).....	17. 76
Polarization, direct at 31° C.....	-24. 42° V.
Polarization, invert at 31° C.....	-24. 40° V.
Polarization, invert at 87° C.....	- 6. 92° V.
Ash (grams per 100 cc).....	0. 30
Phosphoric acid (P <sub>2</sub> O <sub>5</sub> ) (mg per 100 cc).....	19. 4
Sulphates as K <sub>2</sub> SO <sub>4</sub> (grams per 100 cc).....	0. 078
Total acid as tartaric (grams per 100 cc).....	0. 84
Artificial color.....	None.
Salicylic acid.....	None.
Benzoic acid.....	None.

Misbranding of the product was alleged in the information for the reason that the label thereon contained the statement, and would lead the purchaser of the article to believe, that it contained no alcohol, whereas, in truth and in fact, it contained alcohol in considerable quantity.

On December 16, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*