

lation of the Food and Drugs Act, on September 17, 1910, from the State of New York into the State of Massachusetts, of a quantity of acid calcium phosphate which was adulterated. The product was labeled: "Provident Chemical Works 300 1k 3 St. Louis. Serial No. 381. P. C. W. New York. 41/25/34005/0/91/34. H. A. Johnson, Boston, Mass."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Fluorids as fluorin, approximately 0.04 per cent; starch, 0.57 per cent; microscopic examination, corn starch; alum, none; sulphur acid as CaSO₄, 41.84 per cent; arsenic (Gutzeit method), 200 mg per kilo. Adulteration of the product was alleged in the information for the reason that it contained a certain added poisonous and deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On October 28, 1912, the defendant company entered a plea of guilty to the information and the court suspended sentence.

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

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

2797. Alleged misbranding of coffee. U. S. v. C. F. Blanke Tea & Coffee Co. Tried to a jury. Verdict of not guilty. (F. & D. No. 2620. I. S. No. 12890-c.)

On July 21, 1911, 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 against the C. F. Blanke Tea & Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 14, 1910, from the State of Missouri into the State of Louisiana, of a quantity of coffee which was alleged to have been misbranded. The product was labeled: "Blanke's Mojav Coffee. The name Blanke is synonymous with good drinking coffee. A special blend of good drinking coffee put up ground, whole or pulverized sold in fancy two pound cans to give the consumer a set of handsome cans to retain for household use. Blanke's Mojav Roasted Coffee. Put up by the most complete coffee plant in the world. C. F. Blanke Tea & Coffee Co. Promoters of Good Goods. St. Louis, U. S. A."

Examination of a sample of the product by the Bureau of Chemistry of this Department indicated that it was a high grade Santos, probably grading about a No. 2. Neither Mocha nor Java coffee was used in the product. It appeared that the product was all of one chop and not a blend as stated on the label. Misbranding of the product was alleged in the information for the reason that the labels thereon as above set forth created the impression and led the purchaser to believe that the product was a mixture of Mocha and Java coffee; that the word "Mojav" which appeared in large and conspicuous type upon the labels was compounded from the words "Mocha" and "Java" and led the purchaser to believe that the product was a mixture of Mocha and Java coffees, which are coffees of well known grade and quality, when in truth and in fact it was another and different grade of coffee known as Santos and contained neither Mocha nor Java coffee; and it was further misbranded in that the labels upon the cans were false and misleading, and the product was so branded as to deceive and mislead the purchaser into the belief that it was Mocha and Java coffee, when, in truth and in fact, it was composed almost entirely of Santos coffee, which is another and different grade of coffee; and the product was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article.

On January 11, 1913, the case having come on for trial before the court and a jury, after the introduction of testimony the following charge was delivered to the jury by the court:

DYER, *Judge.* Gentlemen of the Jury: I am asked at the conclusion to give you a peremptory instruction.

This Pure Food Act, as it is popularly known, is one of the most important acts that has found its way upon the statutes, and where people violate it they should be punished, because the act itself is most admirable. But from all the testimony that has

been offered in this case the court is not of the opinion that the Government has made out a case that calls for even consideration by the jury as to the guilt of this defendant.

The court, therefore, upon the whole case as made, gives you a peremptory instruction to find for the defendant, and one of your number will sign the verdict.

In accordance with the above instruction the jury thereupon returned a verdict of not guilty.

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

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

2798. Adulteration and misbranding of macaroni and vermicelli. U. S. v. Alphonse Bouchet, Marie Louise Pantiatichi and Stanley McIntosh, doing business under the name and style of P. Daussa & Co. Plea of guilty by defendant McIntosh. Fine, \$20. Information dismissed as to defendants Bouchet and Pantiatichi. (F. & D. No. 2625. I. S. Nos. 10784-c, 10785-c, 12212-c, and 12213-c.)

On February 6, 1912, the United States Attorney for the Eastern 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 Alphonse Bouchet and Marie Louise Pantiatichi, and on June 23, 1913, against Stanley McIntosh, doing business under the name and style of P. Daussa & Co., Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of New York into the State of Florida—

(1) On November 19, 1910, of a quantity of vermicelli which was adulterated and misbranded. This product was labeled: "La Amiga del Pueblo Pureze Fideos. P. Daussa & Cia. Gran Fabrica de fideos, Refinos establecids en 1865. Brooklyn, E. U."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it was colored with a coal-tar dye Naphthol Yellow S, S&J 4. Adulteration of this product was alleged in the information for the reason that it was artificially colored with a yellow dye so as to simulate the appearance of high grade vermicelli, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label bore statements, designs, and devices regarding said product and the ingredients and substances contained therein which were false and misleading, in that the label represented it to be pure vermicelli of a natural color, whereas, in truth and in fact, it contained artificial coloring matter, the presence of which was not made known to the purchaser. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser, in that the labels conveyed the impression that the product was uncolored vermicelli of high grade, whereas, in truth and in fact, it consisted of products artificially colored.

(2) On November 25, 1910, of a quantity of macaroni which was adulterated and misbranded. This product was labeled: "La Amiga del Pueblo Pureza Fideos. P. Daussa & Cia, Maccaroni, Gran Fabrica de Fideos, establecida en 1865. Brooklyn, E. U."

Analysis of a sample of this product by said Bureau of Chemistry showed that it was colored with Naphthol Yellow S, S&J 4. Adulteration of the product was alleged in the information for the reason that it was artificially colored with a yellow dye so as to simulate the appearance of high grade macaroni, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label bore statements, designs, and devices regarding the product and the ingredients and substances contained therein which were false and misleading, in that said label represented the product to be pure macaroni of a natural color, whereas, in truth and in fact, it contained artificial coloring matter, the presence of which was not made known to the purchaser. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser, in that the label conveyed the impression that it was uncolored macaroni of high grade, whereas, in truth and in fact, it consisted of products artificially colored.