

2862. Misbranding and alleged adulteration of fibered fish. U. S. v. Gorton-Pew Fisheries Co. Plea of nolo contendere to count 2 of information; placed on file. Counts 1, 3, and 4 nolle prossed. (F. & D. Nos. 4035. I. S. Nos. 3489-d and 3490-d.)

On June 15, 1912, 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 an information in four counts against the Gorton-Pew Fisheries Co., a corporation, Gloucester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on September 25, 1911, from the State of Massachusetts into the State of Missouri, of two invoices of fibered fish which was misbranded and alleged to have been adulterated. The product was labeled: (First invoice) (on case) "Swans Down. 2 doz. cartons Swans Down Fibered Packed by Gorton-Pew Fisheries Co., Gloucester, Mass., A. C. L. Haase & Sons ———" (On carton) "Swans Down Fibered Fish. Packed at Gloucester, Mass., U. S. A. Something New. Swans Down Brand for Fish Balls, Fish and Cream, &c. Try it. No soaking, no boiling, no odor. Fish balls in ten minutes. Put up by Gorton-Pew Fisheries Co. ———." (Second invoice) (on case) "Swans Down" "2 doz. cartons Swans Down Fibered Packed by Gorton-Pew Fisheries Co., Gloucester, Mass., ———" (On carton) "Swans Down Fibered Fish. Packed at Gloucester, Mass., U. S. A. ——— Put up by Gorton-Pew Fisheries Co. ———"

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (1) Mohler test for benzoic acid, positive; anhydrous sodium benzoate, 0.111 per cent; (2) sodium benzoate, 0.03 per cent; Mohler test, positive. Adulteration of the product in one of the invoices was alleged in the first count of the information for the reason that a substance, to wit, sodium benzoate, had been substituted in part for said food. Misbranding of this product was alleged in the second count of the information for the reason that its package, and the label thereof, bore a certain statement, design, and device regarding it and the ingredients and substances therein, that is to say, the statement "Fibered Fish," printed on the package and label thereof, which was false and misleading in that it would mislead and deceive a purchaser into the belief that it consisted entirely of fibered fish, whereas, in truth and in fact, it did not consist entirely of fibered fish. Adulteration and misbranding of the second invoice were alleged in the third and fourth counts of the information in similar terms.

On March 11, 1913, the defendant company entered a plea of nolo contendere to the second count of the information, charging misbranding of the product, and on July 2, 1913, the court ordered the information placed on file as to said count. The first, third, and fourth counts of the information, charging adulteration of both invoices of the product, and misbranding of the second invoice of the product, were nolle prossed.

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

WASHINGTON, D. C., *February 9, 1914.*

2863. Adulteration and misbranding of coffee. U. S. v. E. B. Müller & Co. Plea of guilty. Fine, \$50. (F. & D. No. 4036. I. S. No. 14529-d.)

On January 4, 1913, the United States Attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. B. Müller & Co., a corporation, of New York, N. Y., with a place of business at Port Huron, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on December 14, 1911, from the State of Michigan into the State of Kentucky, of a quantity of coffee substitute which was adulterated and misbranded. The product was labeled: "Arabian Blend Climax X" [Picture of camel stenciled on bag.] "Ouerbacker & Co., Louisville, Ky."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed that it consisted of wheat, starch, cocoa shells, peanuts, and a legume.

Adulteration of the product was alleged in the information for the reason that it was labeled in such a manner as to purport to be coffee, whereas, in truth and in fact, other substances had been substituted wholly and in part for the article, to wit, cereal and legumes, as demonstrated by the analysis of samples of the product by the Bureau of Chemistry of the Department of Agriculture. Misbranding was alleged for the reason that there was printed on the product as the label thereof and on the 10-pound bags thereof the words and figures: "Arabian Blend Climax X," and said statement, "Arabian Blend Climax X," borne on the label, as aforesaid, was false and misleading for the reason that the aforesaid language conveyed and sought to convey the impression that the product was coffee, whereas, in truth and in fact, it was not coffee but a mixture of roasted cereal and legume prepared in imitation of coffee. Misbranding was alleged for the further reason that the product was an imitation of another article, to wit, coffee, and was not labeled, branded and tagged so as to plainly indicate that it was an imitation, and was so labeled and branded as to deceive and mislead the purchaser, being labeled and branded: "Arabian Blend Climax X," thus deceiving and misleading the purchaser into the belief that it was coffee when as a matter of fact it was not coffee but, on the contrary, a mixture of roasted cereal and legumes.

On January 10, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

WASHINGTON, D. C., *February 9, 1914.*

2864. Adulteration and misbranding of orangeade. U. S. v. Tobias Miller (Golden Gate Fruit Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4048. I. S. No. 2630-d.)

On April 4, 1913, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tobias Miller, doing business under the firm name and style of "Golden Gate Fruit Co.," San Gabriel, Cal., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of California into the State of Washington, of a quantity of orangeade which was adulterated and misbranded. The product was labeled: (On front of bottle) "Golden Gate Fruit Co. San Gabriel, Dolgeville & Alhambra, Cal. New York, N. Y. Orangeade Preserved with 1/10 of 1% benzoate of soda, color added Made from the finest selected fruit and granulated sugar Guaranteed by Golden Gate Fruit Co. under the National Food & Drugs Act, June 30, 1906." (On other side of bottle) "GGFCo Shake Well Before Using This syrup is made from ripe California oranges and granulated sugar. When diluted with six or seven parts of iced or carbonated water a delicious drink is produced. Also used for ices, creams and punches; a valuable article to have at your home"

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

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| Solids (per cent)..... | 64.7 |
| Sucrose (Clerget) (per cent)..... | 7.1 |
| Reducing sugar, as invert (per cent)..... | 56.3 |
| Nonsugar solids (per cent)..... | 1.3 |
| Total acidity as citric (per cent)..... | 1.33 |
| Citric acid by Pratt method (per cent)..... | .75 |
| Ash (grams per 100 cc)..... | .15 |
| Potassium oxid in ash (per cent)..... | 31 |
| Sodium oxid in ash (per cent)..... | 24 |
| Color..... | Artificial |

Adulteration of the product was alleged in the information for the reason that it was purported by its label to have been made from ripe California oranges and granulated sugar, whereas, in fact, other substances, to wit, citric acid and a coal tar dye,