

the further reason that certain substances, to wit, vanillin and coumarin, had been substituted in part for the article. Misbranding was alleged for the reason that the labels on the product bore the following statement regarding the article, to wit, (in large type) "XXXX Vanilla Flavor," which said statement was false and misleading in that it conveyed to the purchaser thereof that the article was genuine vanilla flavor, whereas, in truth and in fact, it was not a genuine vanilla flavor, but an imitation vanilla flavor containing added vanillin and coumarin, the added statement appearing on the label, "Prepared from vanilla beans, added vanillin and coumarin," being comparatively in very small type and insufficient to correct the impression created by the statement "XXXX Vanilla Flavor." Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled (in large type) "XXXX Vanilla Flavor," thereby creating the impression that the product was a genuine vanilla flavor, whereas in truth and in fact it was not a genuine vanilla flavor but an imitation vanilla flavor containing added vanillin and coumarin, the added statement appearing on the labels, "Prepared from vanilla beans, added vanillin and coumarin," being comparatively in very small type and insufficient to correct the false and misleading impression created by the statement in large type, "XXXX Vanilla Flavor."

On October 9, 1913, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

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

WASHINGTON, D. C., March 30, 1914.

**2961. Adulteration of canned apples. U. S. v. 100 Cases of Canned Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 4738. S. No. 1556.)

On November 2, 1912, the United States attorney for the Western District of North Carolina, 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 100 cases, each containing 2 dozen cans of apples remaining unsold in the original unbroken packages, and in possession of the Smitherman-Stone Co., Winston, N. C., alleging that the product had been shipped by B. L. Crowder, Troutville, Va., on or about October 6, 1911, and transported from the State of Virginia into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled (in pencil) "Apples;" also "Sanitary Tomatoes two dozen (design of tomato) size 3 packed by F. A. Reynolds, Troutville, Va." Each of the cans was labeled: "Cedar Hill Brand Apples. Contents guaranteed to comply with the Pure Food Law, packed by S. A. Shaver, Troutville, Va." Adulteration of the product was alleged in the libel for the reason that it contained and there was mixed therewith gasoline and other petroleum product which was not a normal and desirable constituent of canned apples and which rendered them unpalatable and unfit for food.

On June 12, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the Smitherman-Stone Co. should pay the costs of the proceedings.

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

WASHINGTON, D. C., March 30, 1914.

**2962. Adulteration and misbranding of mineral water. U. S. v. National Water Co. Plea of nolo contendere. Fine, \$10.** (F. & D. No. 4743. I. S. No. 1249-d.)

On July 18, 1913, the United States attorney for the District of Maryland, 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 National Water Co., a corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on August 25, 1911, from the State of Maryland into the District of Columbia, of

a quantity of mineral water which was adulterated and misbranded. The product was labeled: "Natural Geneva Spring Mineral Water This bottle should be kept in a cool place Do not dilute with ice \* \* \* Geneva Mineral Water Springs Geneva, N. Y. Nature's Remedy. \* \* \* A pure, natural mineral water \* \* \* Baltimore Depot, 16 Clay St., near Charles \* \* \*" Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

	Organisms per cubic centimeter developing after 3 days on plain agar at—	
	25° C.	37° C.
Bottle 1.....	11,000	3,000
Bottle 2.....	3,700	1,700
Bottle 3.....	9,000	9,000
Bottle 4.....	10,000	18,000
Bottle 5.....	21,000	22,000
Bottle 6.....	38,000	32,000

100 *B. coli* group per cc.

	Gas-producing organisms (x=present, 0=absent) developing in bile fermentation tubes after 3 days' incubation at 37° C., in—					
	10 cc.	5 cc.	1 cc.	0.1 cc.	0.01 cc.	0.001 cc.
Bottle 1.....	x	x	x	x	x	0
Bottle 2.....	x	x	x	0	0	0
Bottle 3.....	x	x	x	x	0	0
Bottle 4.....	x	x	x	x	0	0
Bottle 5.....	x	x	x	x	0	0
Bottle 6.....	x	x	x	x	0	0

Adulteration of the product was alleged in the first count of the information for the reason that it consisted in part of filthy, decomposed, and putrid animal substances, to wit, the colon group of organisms. Adulteration was alleged in the second count of the information for the reason that the product consisted in part of a filthy, decomposed, and putrid animal substance, to wit, excremental material of human and animal origin. Misbranding was alleged for the reason that the product was labeled as set forth above, which said statement was false and misleading, in that the water was not pure but was impure and in fact contaminated with excremental matter of human and animal origin. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as set forth above, which said statement was false and misleading, in that the water was not pure but was in truth and in fact contaminated with excremental matter of human or animal origin.

On October 13, 1913, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$10.

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

WASHINGTON, D. C., *March 30, 1914.*

2963. Misbranding of bitters. U. S. v. The Nectar Co. Plea of guilty. Fine, \$10. (F. & D. No. 4744. I. S. No. 19070-d.)

On March 7, 1913, 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 The Nectar Co., a corporation,