

water, which had been substituted in part for the said article of food; and said article was further adulterated in that a valuable constituent, to wit, fat, had been partly abstracted and left out.

On March 17, 1914, the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, the case was given to the jury, and, after due deliberation, a verdict of not guilty was returned by said jury.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3345. Adulteration and misbranding of Hillis Golden Cereal. U. S. v. Hillis Cereal Manufacturing Co. Plea of guilty. Sentence suspended. (F. & D. No. 4724. I. S. No. 15935-d.)

On February 6, 1914, 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 the Hillis Cereal Manufacturing Co., a corporation, Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 2, 1912, from the State of New York into the State of Washington, of a quantity of food product called Hillis Golden Cereal which was adulterated and misbranded. The product was labeled: (On sack) "Hillis Golden Cereal Hillis Cereal Manufacturing Co."

Examination of a sample of the product by the Bureau of Chemistry of this department showed it to consist of a mixture of roasted pea or bean hulls, fragments of roasted peas or beans, and 20 to 40 per cent of a roasted cereal, probably wheat.

Adulteration of the product was alleged in the information for the reason that it contained a substance and [or(?)] substances which had been substituted wholly or in part for the cereal which the said article purported to be, to wit, roasted pea and [or(?)] bean hulls and fragments of roasted peas and [or(?)] beans. Misbranding was alleged for the reason that the statement "Hillis Golden Cereal," borne on the label of the product, was false and misleading, in that said statement on the label purported that said product [contained(?)] was a cereal product and deceived and misled the purchaser into the belief that the product [contained(?)] was a cereal product, whereas, in truth and in fact, the said product [contained(?)] was not a cereal product, but was a mixture of cereal, pea and [or(?)] bean hulls and fragments of roasted peas and [or(?)] beans.

On February 26, 1914, the defendant company entered a plea of guilty to the information and the court suspended sentence.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914*

3346. Adulteration and misbranding of scuppernong and sauterne wines. U. S. v. A. Schmidt Jr. & Bros. Wine Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. Nos. 4725, 4834, 4868, 4957, 5006. I. S. Nos. 22810-d, 6160-d, 2409-e, 36503-e, 2411-e.)

On April 7, 1913, 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 A. Schmidt jr. & Bros. Wine Co., a corporation, Sandusky, Ohio, alleging shipment by said company in violation of the Food and Drugs Act:

(1) On or about March 26, 1912, from the State of Ohio into the State of Indiana, of a quantity of so-called scuppernong wine which was adulterated

and misbranded. The product was labeled: (Main label on bottle) (Picture of eagle) "Ohio Golden Eagle Scuppernong Wine The A. Schmidt Jr. and Bros. Wine Co., Sandusky, O." (Neck label) (Picture of eagle) "Ohio Golden Eagle." Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity.....	1. 0763
Alcohol (per cent by volume).....	14. 26
Total solids (grams per 100 cc).....	24. 57
Sugar-free solids (grams per 100 cc).....	2. 76
Reducing sugar before inversion (grams per 100 cc).....	21. 70
Sucrose.....	0. 0
Total acid as tartaric (grams per 100 cc).....	0. 664
Fixed acid as tartaric (grams per 100 cc).....	0. 439
Volatile acid as acetic (grams per 100 cc).....	0. 180
Total tartaric acid (grams per 100 cc).....	0. 180
Free tartaric acid.....	0. 0
Cream of tartar (grams per 100 cc).....	0. 214
Tartaric acid to alkaline earths (grams per 100 cc).....	0. 010
Polarization, direct, at 20° C. (°V.).....	-6. 4
Polarization, invert, at 20° C. (°V.).....	-6. 8
Polarization, invert, at 87° C. (°V.).....	0. 0
Ash (grams per 100 cc).....	0. 198
Alkalinity water-soluble ash (cc N/10 HCl per 100 cc).....	11. 4
Alkalinity water-insoluble ash (cc N/10 HCl per 100 cc).....	8. 0
Sodium oxid (Na ₂ O) (grams per 100 cc).....	0. 0224
Potassium oxid (K ₂ O) (grams per 100 cc).....	0. 0678
Chlorin (Cl) (grams per 100 cc).....	0. 0309

Adulteration of the product was alleged in the information for the reason that a wine produced from grapes other than scuppernong, and sugar and water, prepared in imitation of true scuppernong wine, had been substituted wholly or in part for the said scuppernong wine which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label thereof, "Scuppernong Wine," was false and misleading in that it conveyed the impression that the product was prepared from scuppernong grapes, whereas, in fact, the same was prepared from grapes other than scuppernong, together with sugar and water, and for the further reason that said product was an imitation of and was sold under the distinctive name of another article, to wit, scuppernong wine; and for the further reason that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was true scuppernong wine prepared from grapes of that name, whereas the same was an imitation article prepared from grapes other than scuppernong, together with sugar and water.

(2) On or about May 1, 1912, from the State of Ohio into the State of Kentucky, of a quantity of so-called scuppernong wine which was adulterated and misbranded. The product was labeled: "Ohio Golden Eagle Scuppernong Wine. The A. Schmidt Jr. and Bros. Wine Co., Sandusky, O." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity.....	1. 0777
Alcohol (per cent by volume).....	13. 70
Solids (grams per 100 cc).....	24. 78
Nonsugar solids (grams per 100 cc).....	2. 60
Sucrose by copper (grams per 100 cc).....	0. 17
Reducing sugar invert (grams per 100 cc).....	22. 01

Polarization, direct, at 20° C. (°V.)	-----	-6.3
Polarization, invert, at 20° C. (°V.)	-----	-6.5
Polarization, invert, at 87° C. (°V.)	-----	0.0
Ash (grams per 100 cc)	-----	0.192
Alkalinity soluble ash (cc N/10 NaOH per 100 cc)	-----	12.4
Alkalinity insoluble ash (cc N/10 NaOH per 100 cc)	-----	10.8
Acids as tartaric (grams per 100 cc)	-----	0.636
Total tartaric acid (grams per 100 cc)	-----	0.172
Free tartaric acid	-----	0.0
Cream of tartar (grams per 100 cc)	-----	0.22
Alkaline earths	-----	0.0
Chlorin (Cl) (grams per 100 cc)	-----	0.0258

Adulteration of the product was alleged in the information for the reason that a substance, to wit, wine or wines other than scuppernong wine, had been substituted wholly or in part for scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the label, was false and misleading, in that it conveyed the impression that it was genuine scuppernong wine, whereas, in truth and fact, it was composed of a wine or wines other than scuppernong wine; and for the further reason that said product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," whereas, in truth and in fact, said product was not a scuppernong wine, but was composed of a wine or wines other than scuppernong wine.

(3) On or about May 1, 1912, from the State of Ohio into the State of Kentucky, of a quantity of so-called sauterne wine which was adulterated and misbranded. The product was labeled: (Principal label) "Ohio Golden Eagle Sauterne Wine. The A. Schmidt Jr. and Bros. Wine Co., Sandusky, O." Shoulder label) "Ohio Golden Eagle." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity	-----	1.0317
Alcohol (per cent by volume)	-----	13.12
Solids (grams per 100 cc)	-----	12.58
Nonsugar solids (grams per 100 cc)	-----	2.41
Reducing sugar, invert (grams per 100 cc)	-----	10.07
Polarization, direct, at 20° C. (°V.)	-----	-3.0
Polarization, invert, at 20° C. (°V.)	-----	-3.1
Polarization, invert, at 87° C. (°V.)	-----	0.0
Ash (grams per 100 cc)	-----	0.192
Alkalinity soluble ash (cc N/10 acid per 100 cc)	-----	11.4
Alkalinity insoluble ash (cc N/10 acid per 100 cc)	-----	12.0
Acid as tartaric (grams per 100 cc)	-----	0.630
Volatile acid as acetic (grams per 100 cc)	-----	0.155
Fixed acid as tartaric (grams per 100 cc)	-----	0.436
Total tartaric acid (grams per 100 cc)	-----	0.172
Free tartaric acid	-----	0.0
Cream of tartar (grams per 100 cc)	-----	0.21
Tartaric acid to alkaline earths	-----	0.0
Chlorin (Cl) (grams per 100 cc)	-----	0.0256

Adulteration of the product was alleged in the information for the reason that a substance, to wit, pomace wine, sweetened and flavored, had been substituted wholly or in part for sauterne wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Sau-

terne Wine," borne on the label, was false and misleading, in that it conveyed the impression that the product was genuine sauterne wine, when, as a matter of fact, it was not such, but was a pomace wine, sweetened and flavored; and for the further reason that said product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Sauterne Wine," when, as a matter of fact, it was not sauterne wine, but a pomace wine, sweetened and flavored.

(4) On or about May 7, 1912, from the State of Ohio into the State of Missouri, of a quantity of so-called scuppernong wine which was adulterated and misbranded. The product was labeled: (Principal label) "Ohio Golden Eagle Scuppernong Wine The A. Schmidt Jr. & Bros. Wine Co, Sandusky, O." (On sticker) "Ohio Golden Eagle." (On cap) "Golden Eagle Wine Co., Sandusky, Ohio." (Neck label) "Golden Eagle." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity-----	1. 0768
Alcohol (per cent by volume)-----	14. 24
Total solids (grams per 100 cc)-----	24. 70
Sugar-free solids (grams per 100 cc)-----	2. 74
Reducing sugar, before inversion (grams per 100 cc)-----	22. 00
Sucrose (grams per 100 cc)-----	0. 00
Total acid as tartaric (grams per 100 cc)-----	0. 680
Fixed acid as tartaric (grams per 100 cc)-----	0. 465
Volatile acid as acetic (grams per 100 cc)-----	0. 156
Total tartaric acid (grams per 100 cc)-----	0. 191
Free tartaric acid-----	0. 00
Cream of tartar (grams per 100 cc)-----	0. 238
Tartaric acid to alkaline earths-----	0. 00
Polarization, direct, at 20° C. (°V.)-----	-7. 6
Polarization, invert, at 20° C. (°V.)-----	-7. 4
Polarization, invert, at 87° C. (°V.)-----	0. 0
Ash (grams per 100 cc)-----	0. 188(?)
Alkalinity water-soluble ash (cc N/10 HCl per 100 cc)-----	10. 0
Alkalinity water-insoluble ash (cc N/10 HCl per 100 cc)-----	8. 0
Sodium oxid (Na ₂ O) (grams per 100 cc)-----	0. 0200
Potassium oxid (K ₂ O) (grams per 100 cc)-----	0. 0608
Chlorin (Cl) (grams per 100 cc)-----	0. 0238

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation scuppernong wine, had been substituted wholly or in part for the genuine article. Misbranding of the product was alleged for the reason that the statement "Golden Eagle Scuppernong Wine," borne on the label, was false and misleading, in that it created the impression that the product was genuine scuppernong wine, a wine prepared from scuppernong grapes, whereas, in truth and in fact, it was not genuine scuppernong wine, but an imitation scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Golden Eagle Scuppernong Wine," thereby creating the impression that the product was a genuine scuppernong wine prepared from scuppernong grapes, whereas, in truth and in fact, it was an imitation scuppernong wine.

(5) On or about May 23, 1912, from the State of Ohio into the State of Minnesota, of a quantity of so-called scuppernong wine, which was adulterated and misbranded. The product was labeled: (Principal label on bottle) "Ohio Golden Eagle Scuppernong Wine The A. Schmidt Jr. and Bros. Wine Co. Sandusky, O." (On neck of bottle) "Ohio Golden Eagle," (Tin foil capsule

over cork) "Golden Eagle—Golden Eagle Wine Co.—Sandusky, Ohio." Analysis of a sample of the product by said Bureau of Chemistry showed the following results:

Specific gravity.....	1. 0764
Alcohol (per cent by volume).....	14. 33
Solids (grams per 100 cc).....	24. 62
Nonsugar solids (grams per 100 cc).....	3. 22
Reducing sugar, before inversion (grams per 100 cc).....	21. 52
Sucrose by copper.....	0. 0
Polarization, direct, at 20° C. (°V.).....	—26. 0
Polarization, invert, at 20° C. (°V.).....	—26. 4
Polarization, invert, at 87° C. (°V.).....	0
Ash (grams per 100 cc).....	0. 205
Alkalinity soluble ash (grams per 100 cc).....	14. 0
Alkalinity insoluble ash (grams per 100 cc).....	9. 4
Acid as tartaric (grams per 100 cc).....	0. 638
Volatile acid as acetic (grams per 100 cc).....	0. 151
Fixed acid as tartaric (grams per 100 cc).....	0. 449
Total tartaric acid (grams per 100 cc).....	0. 192
Free tartaric acid.....	0. 0
Cream of tartar (grams per 100 cc).....	0. 241
Tartaric acid to alkaline earths.....	0
Chlorin (Cl) (grams per 100 cc).....	0. 0207

Adulteration of the article was alleged in the information for the reason that a product made in whole or in part from wine or wines other than scuppernong wine, sweetened, flavored, and mixed in imitation of scuppernong wine, had been substituted wholly or in part for genuine scuppernong wine, which the article purported to be. Misbranding of the product was alleged for the reason that the statement "Scuppernong Wine," borne on the label, was false and misleading, in that it conveyed the impression that the product was genuine scuppernong wine, whereas, in truth and in fact, it was a product prepared in whole or in part from wine or wines other than scuppernong wine, sweetened, flavored, and mixed in imitation of scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Scuppernong Wine," when, as a matter of fact, it was not such, but was a product prepared in whole or in part from wine or wines other than scuppernong wine, sweetened, flavored, and mixed in imitation of scuppernong wine.

On February 3, 1914, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3347. Misbranding of "Gran Liquore Della Stella." U. S. v. Guiseppe Citro and Joachim A. Castagna (G. Citro & Co.). Plea of non vult. Fine, \$25. (F. & D. No. 4846. I. S. No. 19080-d.)

On April 9, 1913, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Guiseppe Citro and Joachim A. Castagna, doing business as G. Citro & Co., Hoboken, N. J., alleging shipment by said defendants in violation of the Food and Drugs Act, on