

amel, and, further, in that said article was an imitation sweet cider prepared with a dilute solution of water and apple product, artificially sweetened with saccharin and artificially colored with caramel, and was offered for sale and sold under the distinctive name of sweet cider; and, further, for the reason that said article was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that it was genuine sweet cider when not so.

On April 1, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20, with costs of \$18.83.

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

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

3371. Alleged adulteration of tomato catsup. U. S. v. 15 Cases of Tomato Catsup. Tried to the court. Finding in favor of claimant. (F. & D. No. 5487. I. S. No. 3035-h. S. No. 2057.)

On or about December 17, 1913, the United States attorney for the District of Oregon, 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 15 cases, each containing six 1-gallon bottles of tomato catsup, alleged to have been adulterated, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on or about November 10, 1913, by the Pacific Vinegar & Pickle Works, San Francisco, Cal., and transported from the State of California into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were branded: "½ Doz. Gallon Bottles California Home Brand Tomato Catsup Packed and guaranteed by Pacific Vinegar & Pickle Works, San Francisco, U. S. A. Main Plant Hayward Alameda Co., Cal., U. S. Serial No. 11418." (Top of Case) "Glass with Care This side up. Martin Marks Coffee Co., Portland, Oreg., Arrow Line S. S. Co." Two of the retail packages were labeled: "Contains One gallon The California Home Brand Pure Tomato Catsup (Contains 1/10 of 1% Benzoate of Soda) Packed and Guaranteed by Pacific Vinegar & Pickle Works, San Francisco, U. S. A. Main plant, Hayward, Alameda Co., Cal., U. S. Serial No. 11418."

Adulterations of the product was alleged in the libel for the reason that said catsup consisted in whole or in part of filthy, decomposed and [or] putrid vegetable substance.

On February 26, 1914, the cause having come on for trial without intervention of a jury, the jury having been waived by written consent of the parties, and the said Pacific Vinegar & Pickle Works, claimant, having appeared by its attorneys and having introduced oral evidence upon the trial of the cause, the libelant having introduced no evidence, and the cause having been fully argued and submitted to the court, the following findings of fact and conclusions of law were made by the court (Bean, J.):

FINDINGS OF FACT AND CONCLUSIONS OF LAW.

That the tomato catsup contained in the 15 cases of tomato catsup seized under and in accordance with the prayer of libel No. 6231, filed in the above entitled action, does not consist either in whole or in part of filthy, decomposed, or putrid vegetable substance and claimant is entitled to a judgment in its favor.

On the same date, it was adjudged and decreed that judgment be entered in favor of claimant and that the action be dismissed.

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

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