4452. Adulteration and misbranding of grape juice. U. S. * * * v. The Fremont Grape Juice Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 6462. I. S. Nos. 4294-h, 27919-h.)

On February 19, 1916, 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 Fremont Grape Juice Co., a corporation, Fremont, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 27, 1914, and August 17, 1914, from the State of Ohio into the State of Minnesota, of quantities of grape juice, which article was adulterated and misbranded. The shipment first referred to was labeled, in part: (On bottle) (crown) "Unfermented Grape Juice." (Principal label) "Lake Shore Brand Catawba Unfermented Unsurpassed Grape Juice. * * *" On wooden case) "12 quarts 2916 Lake Shore Brand Ohio Catawba Unfermented Grape Juice."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	19.92
Nonsugar solids (grams per 100 cc)	2.19
Alcohol (per cent by volume)	0.35
Sugars, direct, as invert (grams per 100 cc)	16.55
Sucrose, by copper (grams per 100 cc)	1.18
Polarization at 87° C. (°V)	—1.0
Total acid, as tartaric (gram per 100 cc)	0.90
Total tartaric acid (gram per 100 cc)	0.48
Free tartaric acid (gram per 100 cc)	0.23
Cream of tartar (gram per 100 cc)	0.23
Ash (gram per 100 cc)	0.19
Alkalinity of soluble ash (cc of N/10 HCl per 100 cc)	12.4
Alkalinity of insoluble ash (cc of N/10 HCl per 100 cc)	4.4

These results show that water and sugar have been used in the preparation of the article.

The second named shipment was labeled, in part: (On bottle) (crown) "Unfermented Grape Juice." (Principal label) "Lake Shore Brand 32 fluid ounces Net Select Unfermented Unsurpassed Grape Juice, * * *." (On back) "Preserved with Sulphur Dioxide Cane Sugar Solution added." (On shipping case) "12 Lake Shore Brand Ohio Catawba Unfermented Grape Juice."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Specific gravity, 15.6° C./15.6° C	1.0755
Alcohol (per cent by volume)	0.20
Brix at 17.5° C	18.20
Solids (grams per 100 cc)	19.68
Nonsugar solids (grams per 100 cc)	2.15
Sugars, before inversion (grams per 100 cc)	17.29
Sucrose, by Clerget (per cent)	0.15
Sucrose, by copper (gram per 100 cc)	0.24
Ash (gram per 100 cc)	0.21
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	12.4
Alkalinity of insoluble ash (cc N/10 acid per 100 cc)	5.0
Acid, as tartaric (gram per 100 cc)	1.13
Total tartaric acid (gram per 100 cc)	0.54

Free tartaric acid (gram per 100 cc)	0.28
Cream of tartar (gram per 100 cc)	0.23
Tartaric acid to alkaline earth (gram per 100 cc)	0.08

The article consists of grape juice to which sugar and water have been added.

Adulteration of the article in both shipments was alleged in the information for the reason that sugar and water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure Catawba unfermented grape juice, which the article purported to be.

Misbranding of the article in the first shipment was alleged for the reason that the following statements appearing on the labels aforesaid, "Catawba Unfermented Unsurpassed Grape Juice" and "Catawba Unfermented Grape Juice," were false and misleading in that they indicated to the purchasers thereof that the article was pure Catawba unfermented grape juice, and were such as to deceive and mislead purchasers into the belief that it was pure Catawba unfermented grape juice, when, in truth and in fact, it was not, but was, to wit, a mixture of Catawba unfermented grape juice, sugar, and water; and was further misbranded in that it was a mixture of Catawba unfermented grape juice, sugar, and water, and was an imitation of, and was sold under the distinctive name of, another article, to wit, Catawba unfermented grape juice.

Misbranding of the article in the second shipment was alleged for the reason that the following statements regarding it and the ingredients and substances contained therein appearing on the label of the wooden case, "Catawba Unfermented Grape Juice," and on the label of the bottle, "Select Unfermented Unsurpassed Grape Juice," and which latter statement was not corrected by the following statement appearing in small and inconspicuous type on the paster, attached to the back of said bottle, to wit, "Cane Sugar Solution added," were false and misleading in that they indicated to the purchasers thereof that the article of food was pure Catawba unfermented grape juice, and were such as to deceive and mislead purchasers into the belief that it was pure Catawba unfermented grape juice, when, in truth and in fact, it was not, but was, to wit, a mixture of Catawba unfermented grape juice, sugar, and water; and was further misbranded in that it was a mixture of Catawba unfermented grape juice, sugar, and water and was an imitation of, and was sold under the distinctive name of, another article, to wit, Catawba unfermented grape juice.

On March 4, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*