

On December 16, 1912, the said Fidalgo Island Packing Co. petitioned the court, seeking to intervene in the cause, which petition was duly allowed by the court, and an order was entered permitting the Government and said intervener to overhaul and sort the different cans of salmon for the purpose of separating the good cans from the bad, and as a result of the overhauling the intervener stated that 937 cases had been examined and sorted, with the result that 364 cases and 36 cans were found "bright," 510 cases and 41 cans "rusty," and 63 cases and 8 cans "swells;" and said intervener also stated that the tins containing the salmon had before shipment been submerged in salt water by accident, but had been sold in good faith in the belief that they had not thereby been rendered unfit for food, and said intervener being desirous that under the conditions found to exist the goods bearing its brand should not be offered for sale, consented that a decree of forfeiture be entered. The preceding facts were made the basis of an agreement between counsel for the Government and the intervener, whereby a decree might be entered.

On June 6, 1913, a judgment of condemnation and forfeiture was entered, and in accordance with the agreement of counsel and in consideration of the facts set forth in said agreement, it was ordered by the court that 984 cases of the product should be destroyed by the United States marshal.

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

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

2970. Adulteration of gelatine. U. S. v. 2 Cases of Gelatine. Decree of condemnation by consent. Product ordered destroyed. (F. & D. No. 4790. S. No. 1573.)

On November 11, 1912, the United States Attorney for the District of Minnesota, 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 2 cases of Keystone Silver White Gelatine, remaining unsold in the original, unbroken packages and in the possession of J. H. Allen & Co., St. Paul, Minn., alleging that the product had been shipped on November 6, 1911, by the American Agricultural Chemical Co., Detroit, Mich., and transported in interstate commerce from the State of Michigan into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The product was labeled (on cases): "Keystone Silver White Gelatine—The American Agricultural Chemical Co., Michigan Carbon Works, Detroit, Mich.—Guaranteed by the American Agricultural Chemical Co., under the Food & Drugs Act of June 30, 1906, Serial Number 8300." (On cartons) "One dozen Boxes Keystone Silver White Gelatine—Guaranteed under the Food & Drugs Act, June 30, 1906. No. 8300. Manufactured by American Agricultural Chemical Co., Michigan Carbon Works, Gelatine Department, Detroit, Mich. U.S.A."

Adulteration of the product was alleged in the libel, for the reason that it contained an added poisonous or deleterious ingredient which might render it injurious to health; that is to say, it contained over 15 parts per million of arsenic trioxid.

On June 14, 1913, the said American Agricultural Chemical Co., claimant, having consented to a decree, 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.

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

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

2971. Misbranding of wine. U. S. v. 25 Cases of Wine. Decree of condemnation by default. Product ordered destroyed. (F. & D. No. 4791. S. No. 1575.)

On November 13, 1912, the United States attorney for the Eastern District of Illinois, 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 25 cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages

and in possession of the W. H. Dirden Liquor Co., East St. Louis, Ill., alleging that the product had been shipped on or about October 4, 1912, and transported in interstate commerce from the State of Ohio into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Special Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with Sugar. 12 bottles W. H. Dirden Liq. Co., East St. Louis, Ill.," on cases, and "Guaranteed by the Sweet Valley Wine Co., under the Food and Drugs Act, June 30, 1906. Special S. V. W. Co. Trade Mark," on the neck of each bottle, and "Special Wine Belle of the Valley Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with Sugar Solution. Trade Mark S. V. W. Co.," as the main label on each bottle.

Misbranding of the product was alleged in the libel for the reason that it consisted wholly or in large part of a mixture of pomace and other wines, and contained practically no Scuppernong wine, and the labels on the cases and bottles, to wit, "Special Scuppernong Bouquet" and "Special Wine * * Scuppernong Bouquet," would deceive and mislead the purchaser thereof into the belief that said wine was a Scuppernong wine, whereas, in truth and in fact, it was a mixture of pomace and other wines, and for the further reason that the word "Scuppernong," so upon said labels as aforesaid, was printed in much larger type than that used for other words of said labels.

On May 23, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product had been shipped by the Sweet Valley Wine Co., Sandusky, Ohio, and it was ordered that said product should be destroyed by the United States marshal.

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

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

2972. Adulteration and misbranding of cough candy. U. S. v. Lewis Bros. Plea of non vult. Sentence suspended. (F. & D. Nos. 4797, 4812. I. S. Nos. 15369-d, 21713-d.)

On April 30, 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 Bernard Lewis & Gustav Lewis, trading as Lewis Bros., Newark, N. J., alleging shipment by said defendants, in violation of the Food and Drugs Act:

(1) On September 27, October 26, October 31, and November 10, 1911, from the State of New Jersey into the State of Pennsylvania, of a quantity of cough candy which was adulterated and misbranded. The product was labeled: (On case, stenciled on top) "Wild Cherry Open this Side." (Both ends) "Dr. Steven's Cough Drops man'f'd by Lewis Bros." (On side) "Grip and Cough Candy Serial No. 2623." (Other side) "Preventative of Grip and Coughs." Signs inside of case read: "Dr. Steven's Wild Cherry Cough Drops. Manufactured by Lewis Bros., Newark, N. J." (Small bag) "Dr. Steven's Wild Cherry Cough Drops. Manufactured by Lewis Brothers, Newark, N. J."

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

Product is candy containing tartaric acid, flavored with benzaldehyde and artificially colored. No wild cherry present.

Adulteration of the product was alleged in the information for the reason that it contained no wild cherry, but was colored in a manner whereby its inferiority as a product containing no wild cherry was concealed. Misbranding was alleged for the reason that the statement "Wild Cherry" borne on the label was false and misleading because it conveyed the impression that the product contained wild cherry, whereas, in truth and in fact, it did not contain wild cherry, and also that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Wild Cherry," thereby purporting that it contained wild cherry, whereas, in truth and in fact, it did not contain wild cherry.