

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.

(2) On January 17, 1912, from the State of New Jersey into the State of Massachusetts, of a quantity of wild cherry candy which was adulterated and misbranded. This product was labeled: "Wild Cherries Essex-Brand-Jersey Made Confectionery A Guarantee of purity. Wholesome and delightful. Gives an appetite for more. Made by Lewis Brothers, Newark, N. J. Guaranty legend, Serial No. 2623."

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

Colored with cochineal. No coal-tar color.

Benzaldehyde (per cent).....	0.0061
Sulphurous acid (mg per kilo).....	32
Alcohol precipitate (per cent).....	15.62

No fruit flavors present. No persistent fruity flavors in residue from distillation. Flavors wholly volatile and artificial.

Adulteration of the product was alleged in the information for the reason that it was artificially flavored with benzaldehyde which had been substituted in part for the product flavored with genuine wild cherry flavor which the article purported to be. Misbranding was alleged for the reason that the statement "Wild Cherries" borne on the label was false and misleading because it tended to mislead and deceive the purchaser into the belief that the product contained genuine wild cherry flavor, when, as a matter of fact, it did not contain genuine wild cherry flavor, but was artificially flavored with benzaldehyde, and, further, that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Wild Cherries," thereby creating the impression that it contained genuine wild cherry flavor, when, in truth and in fact, it did not contain wild cherry, but was artificially flavored with benzaldehyde.

On October 22, 1913, defendants entered a plea of non vult to the information, and on October 27, 1913, the court suspended sentence.

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

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

2973. Adulteration and misbranding of vinegar. U. S. v. 40 Barrels of Vinegar. Decree of condemnation by default. Goods ordered sold. (F. & D. No. 4801. S. No. 1580.)

On November 14, 1912, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on January 21, 1913, an amended libel, for the seizure and condemnation of 40 barrels of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages, and in possession of W. A. Chambers & Co., Clarksville, Tenn., alleging that the product had been shipped on or about October 3, 1912, by R. M. Hughes & Co., Louisville, Ky., and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. M. Hughes & Co. Pure Apple Cider Vinegar. Serial No. 26475. Louisville, Ky. Water only used in bringing to uniform strength." There were also penciled figures on one end of the barrels indicating the net contents thereof.

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a mixture of distilled vinegar or dilute acetic acid which had been prepared in imitation of cider vinegar and had been mixed and packed with the product so as to reduce and lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that the numerals placed or branded on the barrels to indicate the true contents or net contents therein in gallons or measure were false and misleading, each of the barrels containing a smaller number of gallons than the numerals thereon indicated, and the contents of the barrels as to quantity or gallons were not correctly stated by the brands on the same nor by the invoice in any instance, but the quantity of vinegar therein was less by several gallons than indicated by the invoice and by the numerals branded on the barrels, as aforesaid.