

be a cane syrup. Misbranding was alleged for the reason that the aforesaid labels, marks, and brands upon the cans and cases bore certain statements, designs, and devices regarding said article of food and the ingredients and substances contained therein, which said statements, designs, and devices, to wit, the words "Golden Syrup" and the pictorial design and representation showing a sugar cane field with negro harvesters cutting the sugar cane, were false, misleading, and deceptive, in that they represented, imported, and indicated the article of food to be a cane syrup, whereas, in truth and in fact, the article of food was 89.5 per cent glucose, was not a cane syrup, and was not entitled to a label representing it to be a cane syrup. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, for that the labels, marks, and brands aforesaid were calculated and intended to convey the impression and create the belief in the mind of the purchaser of the article of food that the same was a cane syrup, whereas, in truth and in fact, the article was not a cane syrup, and consisted to the extent of 89.5 per centum of glucose.

On July 15, 1913, the said Kroger Grocery and Baking Co., claimant, having filed its claim and answer admitting the allegations in the libel, consenting to a decree, and tendering payment of all costs and a good and sufficient bond, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and restored to said claimant upon payment of all the costs of the proceedings, which amounted to \$25.85, and the execution of bond in the sum of \$1,000, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 21, 1914.*

3138. Adulteration and misbranding of vanilla extract. U. S. v. 1 Barrel of Vanilla Extract. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5271. S. No. 1857.)

On or about July 2, 1913, the United States Attorney for the Eastern District of Washington, 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 1 barrel of an article of food represented to be vanilla extract, remaining unsold in the original unbroken package, and in possession of the S. E. Carr Co., Inc., Spokane, Wash., alleging that the product had been shipped under invoice dated May 7, 1913, by Julius Niclas and Co., Chicago, Ill., and transported from the State of Illinois into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (Stencil on barrel) "31-1/2 Gals standard Van." (On shipping tag) "Carr's Dept. Store, Spokane, Washington, Dept. B, from Julius Niclas and Co., Artistic and Ornamental Confectioners, 2260 Clybourn Ave., Chicago."

Adulteration of the product was alleged in the libel for the reason that it contained vanillin, 0.29 per cent, coumarin, 0.22 per cent, resins, none, [with a] lead number, 0.03, color, caramel, and an imitation extract of vanilla had been mixed and packed with said product in such a manner as to reduce and lower and injuriously affect its quality and strength and had been substituted for it, and it was also colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the labeling of the product was misleading and false so as to deceive and mislead the purchaser, and so as to offer the same for sale as an article of standard strength and quality.

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

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

WASHINGTON, D. C., May 21, 1914.

3139. Adulteration and misbranding of vanilla extract. U. S. v. 1 Barrel of Vanilla Extract. Product ordered released on bond. (F. & D. No. 5272. S. No. 1859.)

On July 8, 1913, the United States Attorney for the District of Utah, 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 1 barrel of vanilla extract, remaining unsold in the original unbroken package and in possession of the Sweet Candy Co., Salt Lake City, Utah, alleging that the product had been shipped by A. Irvine Co., San Francisco, Cal., on or about May 29, 1912, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Essence of Vanilla guaranteed pure—A. Irvine Co. Manufacturing Chemists, 715-17-19-21 Battery St. San Francisco, California. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 31595."

Adulteration of the product was alleged in the libel for the reason that it contained an imitation of vanilla extract which had been mixed with and substituted in part for vanilla extract. Misbranding was alleged for the reason that the label above set forth was false and misleading so as to mislead and deceive the purchaser thereof in that said label represented the contents of the barrel to be guaranteed pure essence of vanilla, whereas, in truth and in fact, the product contained in part an imitation vanilla extract so mixed and packed with it as to reduce and lower its quality and strength, and said product was not in fact a pure essence of vanilla.

On July 30, 1913, the case having come on for hearing and it appearing to the satisfaction of the court that all the costs of the proceedings, amounting to the sum of \$17.67, had been paid by the said Sweet Candy Co., claimant, and that said claimant had executed bond in the sum of \$150, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

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

WASHINGTON, D. C., May 21, 1914.

3140. Adulteration and misbranding of wine. U. S. v. 15 Cases of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5273. S. No. 1858.)

On July 5, 1913, the United States Attorney for the Western District of Kentucky, 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, 15 of which cases remained unsold in the original unbroken packages and in the possession of Hermann Bros., Louisville, Ky., alleging that the product had been shipped on March 4, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet. Delaware and Scuppernong Blend Ameliorated with sugar." (On two ends) (On one side) "12 bottles" (On other side) "Hermann Bros. Louisville, Ky. Keep from freezing. Glass with care." The bottles were labeled: (Neck label) "Guaranteed by the Sweet