

stance, namely, oleomargarine, had been substituted for butter in whole and in part. Misbranding of the product was alleged for the reason that it was an imitation of butter and was offered for sale and sold under the distinctive name of another article of food.

On February 13, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

WASHINGTON, D. C., June 8, 1914.

**3269. Adulteration of milk. U. S. v. Benjamin F. Zimmerman. Plea of guilty. Fine, \$15. (F. & D. No. 219-c.)**

On February 4, 1914, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of said District, filed in the Police Court of the District aforesaid an information against Benjamin F. Zimmerman, Adamstown, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 10 and 13, 1914, from the State of Maryland into the District of Columbia, of quantities of milk which was adulterated. Adulteration of the product was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with it, which reduced and lowered its quality and strength.

On February 4, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

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

WASHINGTON, D. C., June 8, 1914.

**3270. Adulteration and misbranding of cottonseed feed meal. U. S. v. 800 Sacks of Cottonseed Feed Meal. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 220-c. S. No. 2124.)**

On February 17, 1914, the United States attorney for the Middle District of Alabama, acting upon a report by the State Commissioner of Agriculture and Industries of Alabama, authorized 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 800 sacks, each containing 100 pounds of cottonseed feed meal, remaining unsold in the original unbroken packages in the freight warehouse of the Louisville and Nashville Railroad Co. at Montgomery, Ala., alleging that the product had been shipped on December 31, 1913, by the Memphis Manufacturing Co., and transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "100 Pounds. Imperial Brand Cotton Seed Feed Meal. For Stock Feed Only. Guaranteed Analysis: Protein 22%, Fat 05% [5% (?)], Fibre 22%. Manufactured by Memphis Manufacturing Co., Memphis, Tenn."

It was alleged in the libel that the product was adulterated and misbranded in that it was largely deficient in the principal and valuable ingredients of animal food, in this, to wit: That it contained a smaller percentage of protein than it was branded to contain; that it contained a smaller percentage of fat than it was branded to contain, which two constituents of animal food are material and valuable, and that said cottonseed feed meal contained a larger percentage of fiber than it was branded to contain, which said constituent of animal food is not a valuable constituent of animal food entering into the composition or manufacture of said cottonseed feed meal, and the same was adulterated in that it contained a larger percentage of fiber than it was branded to contain, and a smaller percentage of protein and fat than it was branded to

contain. It was further alleged in the libel that 400 sacks of the product were misbranded in that they did not contain protein, 22 per cent, fat, 05 per cent [5 per cent (?)], and fiber, 22 per cent, but that they did contain protein, 16.75 per cent, fat, 4.07 per cent, and fiber, 25.75 per cent, and that the balance of said cottonseed feed meal, to wit, 400 sacks or packages, were misbranded in that they did not contain protein, 22 per cent, fat, 05 per cent [5 per cent (?)], and fiber, 22 per cent, but that they contained, to wit, protein, 18.56 per cent, fat, 4.17 per cent, and fiber, 25.20 per cent.

On February 17, 1914, Chas. E. Mitchell, claimant, having intervened and confessed the libel, and it appearing to the court that the product was not of a poisonous or deleterious character, and was not adulterated, but was only misbranded in the matter of the correct percentage of the constituent elements thereof, and the claimant having executed bond in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceeding.

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

WASHINGTON, D. C., June 8, 1914.

**3271. Adulteration and misbranding of wines. U. S. v. Sweet Valley Wine Co. Plea of nolo contendere. Fine, \$1,500 and costs.** (F. & D. Nos. 506, 510, 511, 512, 513, 3907, 4027, 4216, 4280, 4283, 4284, 4436, 4547, 4734, 4773, 4888, 5020, 5021, 5158, 5161. I. S. Nos. 11771, 11790, 11773, 11774, 11775, 3800-c, 17080-1-c, 15721-2-3-4-d, 14687-d, 15774-d, 16117-d, 20970-d, 12964-d, 19034-d, 16852-d, 18700-d, 2407-e, 2412-e, 36360-e, 36515-e.

At the June, 1909, term of the District Court of the United States within and for the Northern District of Ohio, the grand jurors of the United States within and for said district, acting upon reports by the Secretary of Agriculture, returned an indictment against the Sweet Valley Wine Co., a corporation, Sandusky, O., charging shipment by said company, in violation of the Food and Drugs Act:

(1) On or about August 28, 1907, from the State of Ohio into the State of Pennsylvania, of a quantity of so-called select Riesling wine which was misbranded. This product was labeled: "Select Riesling Wine, Special Vintage, Serial 124, Guar. — — — —."

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

Alcohol (per cent by volume)-----	12.95
Solids (grams per 100 cc)-----	2.52
Non-sugar solids (grams per 100 cc)-----	2.12
Reducing sugar direct (grams per 100 cc)-----	0.40
Reducing sugar after inversion (grams per 100 cc)-----	0.40
Polarization, direct, 20° C. (°V.)-----	+3.5
Polarization, invert, 20° C. (°V.)-----	+3.5

Misbranding of the product was charged in the indictment for the reason that the package containing the article by its label hereinbefore copied and set forth was so labeled and branded as to deceive and mislead the purchaser in that said article was so labeled and branded as to cause the purchaser to believe that the package contained Riesling wine of a select quality, while the said article was a compound of wine and a fermented solution of commercial dextrose, otherwise known as starch sugar. Misbranding was charged for the further reason that said package containing the article and said label bore a statement hereinbefore copied and set forth regarding the ingredients and substances contained therein, which statement was false and misleading, in that