

which said statement was false and misleading, in that said article of food did not contain 75/100 of 1 per cent oil of lemon, but, as a matter of fact, contained no oil of lemon whatever. Misbranding was alleged for the further reason that each of the packages containing the product was labeled and branded so as to deceive and mislead the purchaser, in that it was stated upon each of said packages in substance and effect that said article of food contained 75/100 of 1 per cent oil of lemon, whereas, in truth and in fact, the said article of food did not contain 75/100 of 1 per cent oil of lemon.

On March 26, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$5.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3427. Misbranding of cheese. U. S. v. 30 Boxes or Packages of Cheese. Order of court releasing product on bond. (F. & D. No. 3121. S. No. 1138.)**

On October 31, 1911, the United States attorney for the Southern District of West Virginia, 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 30 boxes or packages of cheese remaining unsold in the original unbroken packages and in possession of Sehon, Stevenson & Co., a corporation, Huntington, W. Va., alleging that the article had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The boxes were labeled, "Crosby & Meyers, Cincinnati, Ohio," and all the boxes bore figures indicating the weight corresponding to the amount entered in the invoice.

It was alleged in the libel that the product was misbranded and liable to condemnation and confiscable for the reason that said boxes or packages did not contain as many pounds of food or cheese as they purported to contain as evidenced by the weight markings on the outside of said boxes or packages, but contained fewer pounds of cheese than marked on the outside of said boxes or packages, and [said marks] were misleading and false so as to deceive and mislead the purchaser and [constituted] a misbranding within the meaning of the act.

On November 11, 1911, the said Sehon, Stevenson & Co., claimant, filed, in conformity with an order of court theretofore entered, its bond in the sum of \$200, in conformity with section 10 of the act, for the release of the goods, conditioned that said claimant should pay the costs of the proceedings and obliterate the old brands on the boxes of cheese and rebrand the same, stating on said boxes the actual weight of the cheese therein.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3428. Misbranding of fruit puddine. U. S. v. Fruit Puddine Co. Plea of guilty. Fine, \$50. (F. & D. No. 3992. I. S. No. 926-d.)**

On July 18, 1913, the United States attorney for the District of Maryland, 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 Fruit Puddine Co. (Inc.), a body corporate, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on May 8, 1911, from the State of Maryland into the State of Ohio, of a quantity of a certain article of food called "Fruit Puddine, Lemon," which was misbranded. The product was labeled: (On shipping case) "2 doz. Pkgs. Fruit Puddine Trade Mark Registered A Compound (Picture of bowl of fruit) Fruit Puddine Co., Baltimore,

Md. U. S. A." (On package) "Fruit Flavored Puddine Lemon Fruit Puddine Co., Baltimore, Md. U. S. A. Fruit Puddine (Picture of bowl of fruit) A mixture. The flavorings and colors used in the Mixture Fruit Puddine are pure and harmless, and are guaranteed by the Fruit Puddine Co. to comply with the Pure Food and Drugs Act, under Serial No. 4167."

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

Reducing sugars: None.	
Ether extract (per cent)-----	0.05
Taste: Like lemon.	
Starch (McGill method) (per cent)-----	86.5
Starch (acid conversion) (per cent)-----	80.3
Moisture (per cent)-----	7.99
Ash (per cent)-----	1.31
Alkalinity of ash (cc N/10 acid per 100 grams)-----	6.0
Sodium chlorid (NaCl) (per cent)-----	1.23
Phosphoric acid (P <sub>2</sub> O <sub>5</sub> ): Slight trace.	
Protein (per cent)-----	0.47
Color: Naphthol Yellow S.	

Misbranding of the product was alleged in the information for the reason that each of the packages containing said puddine bore a certain statement regarding it and the ingredients and substances contained therein, which said statement was false and misleading in that it was stated upon each of the packages that said puddine was a fruit-flavored puddine, which statement was false and misleading, in that said puddine was not a fruit-flavored puddine, but, on the contrary, was a puddine flavored with ordinary flavoring materials prepared from essential oils. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding said puddine and the ingredients and substances contained therein, which said statement was false and misleading, in that each of the packages was labeled "Fruit Flavored Puddine," whereas, in truth and in fact, said puddine did not contain any fruit flavor, but, on the contrary, was flavored with ordinary flavoring materials prepared from essential oils. Misbranding was alleged for the further reason that each of the packages bore a certain design regarding said article and the ingredients and substances contained therein, to wit, a dish of fruit, and in that each of said packages bore, in addition, a certain statement regarding the said article and said ingredients and substances, which said statement was in substance and effect that the said puddine was a fruit-flavored puddine flavored with a lemon flavor, which said design and which said statement were false and misleading, in that they imported that said puddine contained fruit flavors, whereas, in truth and in fact, the said puddine did not contain any fruit flavors, but, on the contrary, contained merely ordinary flavoring material prepared from essential oils. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain design regarding the said puddine and the ingredients and substances contained therein, to wit, a dish of fruit, and in that each of said packages bore in addition a certain statement regarding said puddine and said ingredients and substances, which said statement was in effect and substance that said puddine was a fruit-flavored puddine, lemon, which said design and statement were false and misleading in that they imported that said puddine contained a fruit flavor, whereas, in truth and in fact, said puddine did not contain any fruit

flavor, but, on the contrary, contained merely ordinary flavoring material prepared from essential oils.

On March 26, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3429. Misbranding of jellies and preserves. U. S. v. National Pickle & Canning Co. Plea of guilty. Fine, \$140.** (F. & D. No. 4203. I. S. Nos. 476-d, 477-d, 478-d, 479-d, 480-d, 481-d, 482-d.)

On June 13, 1913, the United States attorney for the Eastern District of Missouri, 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 National Pickle & Canning Co., a corporation, St. Louis, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 10, 1911, from the State of Missouri into the State of Colorado, of quantities of jellies and preserves which were adulterated and misbranded.

One of the jelly products was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples Granulated Sugar Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Solids by drying (per cent).....	76.14
Nonsugar solids (per cent).....	1.06
Sucrose by Clerget (per cent).....	56.00
Reducing sugars as invert before inversion (per cent).....	19.08
Commercial glucose (factor 163): None.	
Polarization, direct, at 20° C. (°V.).....	+52.00
Polarization, invert, at 22.5° C. (°V.).....	-21.60
Polarization, invert, at 87° C. (°V.).....	-1.20
Ash (per cent).....	0.46
Alkalinity of ash (cc N/10 acid per 100 grams).....	51
Acids (cc N/10 alkali per 100 grams).....	72
P <sub>2</sub> O <sub>5</sub> (determined in ash) (per cent).....	0.16
P <sub>2</sub> O <sub>5</sub> (percentage in ash).....	34.8
As <sub>2</sub> O <sub>3</sub> (mg per kilo).....	0.1

Another product was labeled: "Pure Fruit Jelly—Cupid Brand The Juice of Apples—Blackberries Granulated Sugar—Packed and Guaranteed by National Pickle & Canning Co. Dodson-Braun Branch St. Louis, Mo." Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Solids by drying (per cent).....	76.00
Nonsugar solids (per cent).....	4.60
Sucrose by Clerget (per cent).....	46.83
Reducing sugars as invert before inversion (per cent).....	24.57
Commercial glucose: None.	
Polarization, direct, at 20° C. (°V.).....	+39.20
Polarization, invert, at 24° C. (°V.).....	-22.00
Polarization, invert, at 87° C. (°V.).....	-1.60
Ash (per cent).....	0.45
Alkalinity of ash (cc N/10 acid per 100 grams).....	47
Acids (cc N/10 alkali per 100 grams).....	87