

product had been transported in interstate commerce from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Abbsco Brand Tomatoes Weights on Labels 2 Dozen Cans Size No. 3 Packed by Jas. Wallace Pkg. Co., Cambridge, Md." The cans were labeled: "Abbsco Brand Tomatoes (design tomato) Packed by Jas. Wallace Packing Co. at Cambridge, Dorchester Co., Md. Guaranteed by the packers under the Food and Drugs Act, June 30, 1906. Contents Weigh Not Less Than 2 Pounds (Design Indian.)"

It was alleged in the libel that the product was adulterated and liable to seizure, condemnation, and confiscation, as provided in the Food and Drugs Act, for the reason that a visual examination made of sample cans taken from 24 of said cases revealed and disclosed that 22 of said cans contained pieces of rotten tomatoes, and 20 of said cans contained pieces of mold and many green and defective tomatoes, and said product appeared to have been made and prepared from partly moldy and rotten tomatoes, without trimming or removing said rotten parts, and that said product consisted in whole or in large part of filthy, decomposed, and [or] putrid vegetable substances as above described, and that said product was of a deleterious character and unfit for use as food.

On May 6, 1914, the James Wallace Packing Co., claimant, having admitted the allegations of the libel and 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.

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

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

NOTE.—When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

3443. Adulteration of tomatoes. U. S. v. 496 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5360. I. S. No. 5441-h. S. No. 1964.)

On October 20, 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 a libel for the seizure and condemnation of 496 cases, each containing two dozen cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Abbsco Brand Tomatoes Weights on Labels 2 Dozen Cans Size No. 3 Packed by Jas. Wallace Pkg. Co., Cambridge, Md." The cans were labeled: "Abbsco Brand Tomatoes (design tomato) Packed by Jas. Wallace Packing Co. at Cambridge, Dorchester Co., Md. Guaranteed by the packers under the Food and Drugs Act, June 30, 1906. Contents Weigh Not Less Than 2 Pounds (design Indian.)"

It was alleged in the libel that the product was adulterated and liable to seizure, condemnation, and confiscation as provided in said act, for the reason that a visual examination of sample cans, taken from 24 of said cases, revealed and disclosed that 22 of said cans contained pieces of rotten tomatoes and several large pieces of badly rotted tomatoes, and several cans contained a product of very bad flavor and unfit for food, and said product appeared to have been made and prepared in part from rotten tomatoes, and that said product consisted in whole or in large part of filthy, decomposed, and [or] putrid vegetable substances, and that said product was of a deleterious character and unfit for use as food within the meaning of said act of Congress.

On May 6, 1914, the said James Wallace Packing Co., claimant, having admitted the allegations of the libel and 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.

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

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

NOTE.—When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

3444. Adulteration and misbranding of apple and peach brandy. U. S. v. L. & A. Scharff Distilling Co. Plea of guilty. Fine, \$30. (F. & D. No. 5409. I. S. Nos. 5229-e, 5230-e.)

On April 21, 1914, 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 L. & A. Scharff Distilling Co., a corporation doing business under the name of Consumers Distributing Co., St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 16, 1912, from the State of Missouri into the State of Illinois, of quantities of apple brandy and peach brandy which were adulterated and misbranded. The apple brandy was labeled: "Apple Brandy" (in large type) "A compound" (in small and inconspicuous type, together with the picture of an apple).

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

Alcohol (per cent by volume)-----	42.65
Methyl alcohol: None.	
Solids (grams per 100 cc)-----	0.302
Furfural (grams per 100 liters, 100° proof)-----	1.06
Volatile acids (grams per 100 liters, 100° proof)-----	9.14
Esters (grams per 100 liters, 100° proof)-----	49.5
Aldehydes (grams per 100 liters, 100° proof)-----	2.34
Fusel oil (grams per 100 liters, 100° proof)-----	20.6
Color insoluble in amyl alcohol (per cent)-----	25.0

The results above indicate that this product consists in part of neutral spirits.

Adulteration of the product was alleged in the information for the reason that other substances, to wit, neutral spirits and water, had been substituted wholly or in part for apple brandy. Misbranding was alleged for the reason that the statement "Apple Brandy" and the design or device picturing an apple, borne on the labels of said product, were false and misleading, because they falsely represented and led the purchaser thereof into the belief that the contents of the bottles were genuine apple brandy, whereas, in truth and in fact, said article was not apple brandy but was a compound of brandy, neutral spirits, and water; and, further, in that said product was an imitation apple brandy and was offered for sale and sold under the distinctive name of apple brandy; and, furthermore, said article was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that it was genuine apple brandy when not so.

The peach brandy was labeled: "Peach Brandy" (in large type together with the design of a peach) "Guaranteed to comply with the Food and Drugs Act, June 30, 1906. Consumers Distributing Company. Bottlers. St. Louis, U. S. A. a compound;" (The statement "a compound" being in small, inconspicuous type.)