

Acid, as acetic.....	3. 61
Volatile acid, as acetic.....	3. 61
Fixed acid, as malic: Trace.	
Lead precipitate in 30 minutes: None.	
Color (degrees, brewer's scale, 0.5 inch).....	8. 5
Color: All removed by fuller's earth.	

Product consists of a mixture of vinegar and dilute acetic acid or distilled vinegar and water; colored with caramel.

Adulteration of the product was alleged in the information for the reason that certain substances, to wit, dilute acetic acid or distilled vinegar and water, had been mixed and packed with said article of food so as to reduce and lower and injuriously affect its quality and strength, and, further, in that the aforesaid substances were substituted in whole or in part for the true apple vinegar which said article of food purported to be, and, further, in that said article of food was artificially colored with a certain substance which gave it the appearance of genuine apple vinegar and thereby concealed the fact that it was not a genuine apple vinegar, but an inferior and spurious article composed of a mixture of dilute acetic acid or distilled vinegar and water. Misbranding was alleged for the reason that the label on the product bore the following statement, to wit, "Pure New York State Apple Vinegar," which said statement was false and misleading in that it purported and represented to purchasers of said article that the same was pure apple vinegar, whereas, in truth and in fact, said article was not pure apple vinegar, but was a mixture of dilute acetic acid or distilled vinegar and water artificially colored to resemble true apple vinegar, and said article of food was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser in this, that its label purported and represented to purchasers of said article that the same was pure apple vinegar, whereas, in truth and in fact, it was not pure apple vinegar, but a mixture of dilute acetic acid or distilled vinegar and water. It was further alleged in the information, in substance, that on October 18, 1909, a criminal information was filed in the District Court of the United States for the Western District of Pennsylvania, charging the defendant with having shipped on December 2, 1908, in violation of the Food and Drugs Act, from the State of Pennsylvania into the State of West Virginia, an article of food, to wit, vinegar, which was adulterated and misbranded within the meaning of said act, and that on November 13, 1909, in said court, upon a plea of nolo contendere entered by the defendant to said information, the said defendant was sentenced to pay a fine of \$50, all of which appears in a record of criminal proceedings No. 2, October term, 1909, instituted by the United States against said defendant in said court.

On May 12, 1914, the defendant company entered a plea of nolo contendere to the information in the present case, and the court imposed a fine of \$1,000 and costs.

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

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

**3458. Misbranding of tomatoes. U. S. v. 9 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5517. S. No. 2079.)**

On January 12, 1914, the United States attorney for the Eastern District of Pennsylvania, 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 9 cases, each containing 48 20-ounce cans of tomatoes, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about November 29, 1913, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "I. I. Co. New York Extra Choice Peeled Tomatoes Packed in Sanitary Cans 48-No. 2." (On cans) "Peeled

Tomatoes Cipolla Brand (picture of tomato vine bearing red, ripe tomatoes) Packed in sanitary cans, no acid or solder used Pomidori Pelati (design of landscape with four figures in Italian costume) This product contains absolutely no preservatives of any kind. V. P. Co. Trade Mark The Italian Importing Co., New York, sole distributors. Contains 19½ ounces \* \*” (On tops of cans) “Vesuvian.” (On bottoms of cans) “Sanitary.”

Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser in that each of said cans containing the article bore a label as set forth above so that the purchaser would be deceived and misled into the belief that the said article had been produced in the Kingdom of Italy, whereas, in truth and in fact, the said article had not been produced in the Kingdom of Italy, but had been produced in the United States of America, and had been packed at Vineland, in the State of New Jersey, in the said United States of America. Misbranding was alleged for the further reason that the product was misbranded in that it was labeled and branded so as to purport to be a foreign product when not so, in that each of said cans was labeled and branded as aforesaid, by virtue of which label and brand the said article purported to have been produced in the Kingdom of Italy, whereas, in truth and in fact, the said article had not been produced in the Kingdom of Italy, but had been produced in the United States of America, and had been packed at Vineland, in the State of New Jersey, in the said United States of America.

On May 8, 1914, the Vesuvian Preserving Co., of New York, N. Y., and Vineland, N. J., claimant, having admitted the averments in the libel, but denying any intention of violating any of the laws of the United States, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said claimant upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act.

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

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

**3459. Adulteration and misbranding of beer. U. S. v. 60 Cases, More or Less, of Bottled Beer. Consent decree of condemnation and forfeiture. Product released on bond.**  
(F. & D. No. 5561. I. S. Nos. 6326-h, 6327-h. S. No. 2097.)

On January 30, 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 a libel for the seizure and condemnation of 60 cases, each containing 3 dozen bottles of beer, remaining unsold in the original unbroken packages at Sikeston, Mo., alleging that the product had been shipped by the Cairo Brewing Co., Cairo, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Thirty-five cases were labeled: “Cairo’s own lager beer brewed from choice malt and hops—Cairo Brewing Co. Cairo, Ill. Cairo Brewing Co. Cairo, Ill.” The bottles in said cases were labeled: “Cairo’s own lager beer brewed from choice malt and hops, Cairo Brewing Co., Cairo, Ill.” Twenty-five of the cases and the bottles therein were labeled: “Of rare old age and rich quality—Elks Brew—Brewed and bottled by Cairo Brewing Co., Cairo, Ill. Guaranteed by Cairo Brewing Co. Cairo, Ill. under the Food and Drugs Act June 30 1906 Serial No. 13637. This beer is brewed from choice malt and Bohemian hops. Aus Feinsten Malz und Importirten Saazer Hopfen Gebraut—Cairo Brewing Co., Cairo, Ill.”

Adulteration of the product was alleged in the libel for the reason that in the manufacture of said product some cereal or cereal product other than malt had been substituted in part for malt in such manner as to reduce and lower and injuriously affect the quality and strength of said product. Misbranding was alleged for the reason that the said labels and brands on the bottles and cases, to wit, “Brewed from choice