

while the goods contained no gum arabic they did contain India gum and that India gum was "similar" to gum arabic. The jury found that this was so after being instructed that if they had a reasonable doubt on the subject they must find for the defendant. There was sufficient evidence to warrant the submission of the case to the jury and we find no error in the rulings of the court.

Judgment affirmed.

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

WASHINGTON, D. C., *October 13, 1914.*

3498. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4016. I. S. No. 13345-d. S. No. 1393.)

On May 20, 1912, the United States attorney for the District of Massachusetts, 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 10 barrels of vinegar remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Compound 80% Molasses Vinegar, 20% Distilled Vinegar."

Adulteration of the product was alleged in the libel for the reason that it purported to consist of 80 per cent molasses vinegar and 20 per cent distilled vinegar, whereas, in truth and in fact, said food contained 50 per cent distilled vinegar, said increased amount of 30 per cent of said distilled vinegar being mixed and packed with said food so as to reduce, lower and injuriously affect its quality and strength. Misbranding was alleged for the reason that the product was labeled and branded "Compound 80% Molasses Vinegar, 20% Distilled Vinegar," which statement was false and misleading, in that it would deceive and mislead the purchaser to believe that said food consisted of molasses vinegar and distilled vinegar in the quantities stated, whereas, in truth and in fact, said food contained a greater quantity of said distilled vinegar, to wit, 50 per cent thereof.

On July 6, 1914, the Fleischmann Co., New York, N. Y., having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered and it was ordered that the product should be delivered to said claimant upon payment of the costs of the proceedings.

D. F. HOUSTON, *Secretary of Agriculture*

WASHINGTON, D. C., *October 13, 1914.*

3499. Adulteration and misbranding of jams. U. S. v. Albert A. Deiser & Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4046. I. S. Nos. 893-d, 894-d.)

On May 22, 1913, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert A. Deiser & Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 24, 1911, from the State of Iowa into the State of Nebraska, of quantities of two brands of jam which was adulterated and misbranded. One of the brands was labeled: "Mrs. Morrison's Brand Pure Food Products Blackberry-Apple Jam. Contents 35% Blackberry, 35% Apple, 30% Granulated Sugar, 1/10 of 1% Benzoate of Soda. Serial No. 10631. Prepared by A. A. Deiser & Company, Des Moines, Iowa. Net weight 14 ounces." The other brand was labeled: "Mrs. Morrison's Brand Pure Food Products Raspberry-Apple Jam. Contents 35% Raspberry, 35% Apple, 30% Granulated Sugar, 1/10 of 1% Benzoate of Soda. Serial No. 10631. Prepared by A. A. Deiser & Company, Des Moines, Iowa. Net weight 28 ounces."