

4670. Adulteration and misbranding of chocolate flavored icing paste. U. S.
 * * * v. Joseph Lowe et al. (Joe Lowe Co.). Plea of guilty. Fine,
 \$25. (F. & D. No. 7075. I. S. No. 963-k.)

At the March, 1916, term of the District Court of the United States for the Eastern District of New York, the United States attorney within and for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Joseph Lowe and Lewis Price, trading as Joe Lowe Co., Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs act, on or about January 5, 1915, from the State of New York into the State of Massachusetts, of a quantity of chocolate flavored icing paste which was adulterated and misbranded. The article was labeled: "Chocolate Flavored Icing Paste Made in any flavor Flavor and Color combined with corn syrup and simple syrup. Gives a rich fruity flavor & color also producing a fine gloss to icings for cake and marshmallow work. Use it in the batter. Better than an extract. Will not bake out." (Guaranty) "Joe Lowe Co., 29492. Joe Lowe Co., Bush Terminal Bldg., No. 6, Brooklyn, N. Y. Contents Net 100 lbs."

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

Moisture (per cent)-----	14.26
Reducing sugar, before inversion (per cent)-----	41.20
Polarizations:	
20° C. before inversion (°V.)-----	+103.80
20° C. after inversion (°V.)-----	+ 89.50
87° C. after inversion (°V.)-----	+ 82.00
Sucrose (Clerget) (per cent)-----	10.80
Glucose (commercial (per cent)-----	50.30
Ether extract (per cent)-----	2.83
Crude fiber (per cent)-----	1.17
Total ash (per cent)-----	1.70
Insoluble ash (per cent)-----	0.95
Soluble ash (per cent)-----	0.75
Alkalinity of insoluble ash (cc N/10 acid per 100 grams)---	110.80
Alkalinity of soluble ash (cc N/10 acid per 100 grams)---	13.80
Color: Mixture of coal-tar dyes, which react like Orange I, Aamaranth, and Indigo disulfoacid.	

At least 75 per cent of the total color in this product is due to coal-tar dyes.

Adulteration of the article was alleged in the information for the reason that it was an inferior product containing an insignificant amount of chocolate, and was colored with, to wit, coal-tar dyes, in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein appearing on the label aforesaid, to wit, "Chocolate Flavored Icing Paste * * * Flavor and Color combined with corn syrup and simple syrup," was false and misleading in that, among other things, it indicated to purchasers that the article was icing paste in which the color was produced wholly by the chocolate therein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was icing paste in which the color was produced wholly by the chocolate therein, when, in truth and in fact, it was not, but was, to wit, icing paste artificially colored with coal-tar dyes in imitation of chocolate and containing an insignificant

amount of chocolate. Misbranding was alleged for the further reason that the article was an icing paste made from simple sirup, corn sirup, and an insignificant amount of chocolate, artificially colored with coal-tar dyes, and was an imitation of another article, to wit, icing paste in which the color was produced solely by the chocolate therein.

On April 1, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*