5069. Adulteration and misbranding of sweet cider and strawberry soda. U. S. * * * v. Tip Top Bottling Co., a corporation. Plea of guilty. Fine, $70. (F. & D. No. 7256. I. S. Nos. 15252–k, 15253–k, 14798–k.)

On September 13, 1916, 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 Tip Top Bottling Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 20, 1915, and July 30, 1915, from the State of Missouri into the State of Illinois, of quantities of sweet cider and of strawberry soda which were adulterated and misbranded. The sweet cider was labeled in part: "Sweet Cider Sweetened with cane sugar Product of Concentrated Pure Apple Juice Preserved with 1–2.000 part of Benzoate of Soda. Mfg. * * * by Tip Top Bottling Co. * * * 1424–32 N. Jefferson Ave. St. Louis, Mo."

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

Alcohol (per cent by volume)	0.16
Total solids (grams per 100 cc)	11.21
Nonsugar solids (grams per 100 cc)	1.83
Reducing sugars direct after evaporation (grams per 100 cc)	3.98
Sucrose by copper (grams per 100 cc)	5.40
Ash (gram per 100 cc)	0.13
Total acidity as acetic (gram per 100 cc)	0.24
Total phosphoric acid (mg. per 100 cc)	6.2

Lead precipitate: Heavy.

Analysis shows that this product is a mixture of boiled cider and water. No declaration of net contents on package.

Adulteration of the article was alleged in the information for the reason that substances, to wit, water and boiled cider, had been mixed and packed therewith so as to lower. or reduce, and injuriously affect its quality, and had been substituted, in whole or in part, for sweet cider, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit. "Sweet Cider," borne on the label attached to the bottles containing the article, was false and misleading in that it represented that said article consisted exclusively of sweet cider; and for the further reason that said article was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it consisted exclusively of sweet cider, whereas, in truth and in fact, it did not, but consisted, in whole or in part, of boiled cider and water. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof. The strawberry soda was labeled, in part: "Strawberry Soda Colored and Flavored Artifically Mfg. * * * by Tip Top Bottling Co. 1424–32 N. Jefferson Ave. St. Louis, Mo. Contains 1 pt. 9 fl. oz. * * *"

Analysis of a sample of this article from the shipment on July 20, 1915, by said Bureau of Chemistry showed the following results:

Total solids (per cent)	5.4
Sucrose by Clerget (per cent)	3.4
Saccharin (per cent)	0.019

Saccharin qualitative test: Present.

Color, coal-tar dye present: Amaranth.

Average net volume of 3 bottles is 1 pint, 6.4 fluid ounces, or an average shortage of 10.4 per cent.

Analysis of a sample of this article from the shipment of July 30, 1915, showed the following results:

Total solids (grams per 100 cc)	5.68
Sucrose by Clerget	3.6
Saccharin (per cent)	0.011

Saccharin qualitative test: Present.

Color, coal-tar dye present: Amaranth.

Average net volume of 9 bottles is 1 pint, 6.7 fluid ounces, or an average shortage of 9.2 per cent. Analysis of samples from each shipment shows that the containers are short volume and that the preparation contains saccharin.

It was charged in substance in the information that the article in each shipment was adulterated for the reason that it contained an added deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Contains 1 pt. 9 fl. oz.," borne on the label on each bottle containing the article was false and misleading in that it represented that said bottle contained 1 pint 9 fluid ounces of the article, whereas, in truth and in fact, it did not, but contained a less amount.

On October 4, 1916, the defendont company entered a plea of guilty to the information, and the court imposed a fine of $70.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*

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