

5221. Adulteration and misbranding of sweet cider. U. S. * * * v. William H. Barrett (Barrett & Barrett). Plea of not guilty. Tried to the court. Finding of guilty. Fine, \$40 and costs. (F. & D. No. 7601. I. S. Nos. 11548-1, 11552-1.)

On September 27, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Barrett, trading as Barrett & Barrett, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about January 31, 1916, and February 28, 1916, from the State of Illinois into the State of Iowa, of quantities of sweet cider which was adulterated and misbranded. The first shipment was labeled in part: "Barrett & Barrett, Chicago, York State New Sweet Cider." The second shipment was labeled in part: "Barrett & Barrett New Sweet Cider Chicago."

Analysis of a sample of the article from each shipment, by the Bureau of Chemistry of this department, showed the article to contain added sugar and added water.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, water and sugar, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength; and had been substituted 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 half barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it falsely represented that said article was pure sweet cider, whereas, in truth and in fact, said article was not pure sweet cider, but was an imitation product, to wit, a mixture consisting of cider, added water, and sugar; for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of another article, to wit, sweet cider; and for the further reason that it was labeled, "Sweet Cider," so as to deceive and mislead purchasers into the belief that it was sweet cider, whereas, in truth and in fact, it was not, but was an imitation product, to wit, a mixture consisting of cider, added water, and sugar.

On October 11, 1916, the defendant entered a plea of not guilty to the information. On October 23, 1916, the case came on to be heard, and a jury having been waived, was tried by the court. After submission of evidence and arguments by counsel, a finding of guilty was made by the court, and a fine of \$40 and costs was imposed.

CARL VROOMAN, *Acting Secretary of Agriculture.*