

7015. Adulteration and misbranding of cheese. U. S. * * * v. Frank Hoover and Merton J. Hoover (F. Hoover & Son). Pleas of guilty. Fine, \$50. (F. & D. No. 9306. I. S. No. 3854-p.)

On November 20, 1918, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Hoover and Merton J. Hoover, copartners, trading under the firm name and style of F. Hoover & Son, Sterlingville, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 17, 1918, from the State of New York into the State of Massachusetts, of a quantity of an article, to wit, cheese, labeled in part "Whole Milk," which was adulterated and misbranded.

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

	Per cent.
Solids-----	43.93
Water-----	56.07
Fat-----	16.47
Nitrogen-----	3.27
Protein (N×6.25)-----	20.43
Fat (water-free basis)-----	37.49
Fat: Protein — 1:1.2.	

Analysis shows this product to be made from partly skimmed milk.

Adulteration of the article was alleged in the information for the reason that a product prepared from skimmed milk or partly skimmed milk had been substituted in whole or in part for whole milk cheese, which the article, by its invoice of sale, purported to be.

Misbranding of the article was alleged in substance for the reason that the statement, to wit, on shipping case, "Whole Milk," was false and misleading in that it purported that said article was prepared from whole milk and was a whole milk cheese, and for the further reason that it was labeled as afore-said so as to deceive and mislead the purchaser into the belief that the same was prepared from whole milk and was a whole milk cheese, whereas, in truth and in fact, it was not a whole milk cheese, but was a cheese prepared from skimmed, or partly skimmed, milk.

On January 6, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL,
Acting Secretary of Agriculture.

7016. Adulteration and misbranding of banana liqueur. U. S. * * * v. Fialla & Eppler, Inc., a corporation. Plea of guilty. Fine, \$250. (F. & D. No. 9307. I. S. No. 2006-p.)

On December 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fialla & Eppler, Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on January 22, 1918, from the State of New York into the State of Connecticut, of a quantity of an article, labeled in part "Triangle Brand Bananowa Style Banana Liqueur, Produced exclusively by Fialla & Eppler, Inc., New York," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed it to be a cordial artificially flavored and artificially colored, and that the average contents of 2 bottles was 1 pint, 7.88 fluid ounces.

Adulteration of the article was alleged in the information for the reason that an imitation banana cordial had been substituted in whole or in part for banana liquor, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Banana Liqueur," "Contents 1/5 Gallon," and "Contents One Quart," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was banana liquor, and that the bottles each contained 1/5 gallon and 1 quart of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was banana liquor, and that each of the bottles contained 1/5 gallon and 1 quart of the article, whereas, in truth and in fact, it was not banana liquor, but was an imitation banana cordial, and said bottles each did not contain either 1 quart or 1/5 gallon of the article, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 18, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$250.

E. D. BALL,

Acting Secretary of Agriculture.

7017. Adulteration of smoked sausage. U. S. * * * v. Jacob Katz. Collateral of \$20 forfeited. (F. & D. No. 9309. I. S. No. 3357-p.)

On April 30, 1919, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Jacob Katz, Washington, D. C., alleging that said defendant did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, a quantity of smoked sausage which was adulterated.

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

	Per cent.
Starch -----	5.8
Cereal -----	8.3

Adulteration of the article was alleged in the information in that a substance, to wit, a cereal product, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for smoked sausage, which the article purported to be.

On April 30, 1919, the defendant having failed to appear, the collateral of \$20 that had theretofore been deposited by him was forfeited by order of the court.

E. D. BALL,

Acting Secretary of Agriculture.

7018. Adulteration of smoked sausage. U. S. * * * v. Harry Gelfand (Eagle Meat Market). Plea of nolo contendere. Fine, \$20. (F. & D. No. 9311. I. S. No. 3361-p.)

On November 27, 1918, the United States attorney for the District of Colum-