

13721. Adulteration and misbranding of grape nip concentrate. U. S. v. Orange Smash Co. Tried to the court and a jury. Directed verdict of guilty. Fine, \$100. (F. & D. No. 19252. I. S. No. 12606-v.)

On January 5, 1925, the United States attorney for the Northern District of Alabama, 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 Orange Smash Co., a corporation, Birmingham, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about November 20, 1923, from the State of Alabama into the State of Maryland, of a quantity of grape nip concentrate which was adulterated and misbranded. The article was labeled in part: "From Orange Smash Company Birmingham, Alabama * * * Grape Nip Concentrate (50 Gals.) Contains extract Of Ripe Grapes Sugar And Water & Tartaric Acid."

Examination by the Bureau of Chemistry of this department of a sample of the article showed that it was an imitation grape sirup composed in part of sugar, glycerin, and water, artificially colored with a coal-tar dye, and flavored with methyl anthranilate.

Adulteration of the article was alleged in the information for the reason that an artificially colored and artificially flavored grape sirup had been substituted for grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, which the said article purported to be. Adulteration was alleged for the further reason that the article was an artificially flavored grape sirup prepared in imitation of grape nip concentrate, to wit, an article composed of extract of ripe grapes, sugar, water, and tartaric acid, and was artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of grape nip concentrate, and in a manner whereby its inferiority to said grape nip concentrate was concealed.

Misbranding was alleged for the reason that the statements "Grape Nip Concentrate" and "Contains extract of Ripe Grapes Sugar And Water & Tartaric Acid," borne on the label attached to the barrel containing the article, were false and misleading, in that the said statements represented that the article was composed of extract of ripe grapes, sugar, water, and tartaric acid, whereas it was not so composed but contained artificial color and artificial flavor. Misbranding was alleged for the further reason that the article was an artificially flavored and artificially colored product prepared in imitation of grape nip concentrate and was offered for sale and sold under the distinctive name of another article, to wit, grape nip concentrate.

On August 24, 1925, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of guilty, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13722. Adulteration and misbranding of feed. U. S. v. Meader-Atlas Co. (Metropolitan Mills). Plea of guilty. Fine, \$75. (F. & D. No. 19359. I. S. Nos. 12823-v, 12824-v, 13287-v.)

On April 16, 1925, the United States attorney for the District of New Jersey, 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 Meader-Atlas Co., a corporation, trading as the Metropolitan Mills, at Hoboken, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 21, September 29, and October 24, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of feed which was adulterated and misbranded. The article was labeled in part: "Allstock Molasses Grains Registered Manufactured By Metropolitan Mills Hoboken, N. J. Guarantee Minimum Crude Protein 13%."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 11.72 per cent, 11.07 per cent, and 11.32 per cent, respectively, of protein.

Adulteration of the article was alleged in the information for the reason that a substance deficient in crude protein had been substituted for a feed guaranteed to contain not less than 13 per cent of crude protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guarantee Minimum Crude Protein 13%," borne on the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 13 per cent of crude protein, and for the fur-