

berries when in season, and refined sugar with acid phosphate added, whereas, in truth and in fact, there had been added to the product and said product contained benzoate of soda in addition to the ingredients above mentioned; and that said product was so labeled as to mislead and deceive the purchaser into the belief that it was a fruit sirup made with sugar and acid phosphate and strawberries, whereas, in truth and in fact, it contained in addition thereto benzoate of soda, and the presence of said ingredient was not made known to the purchaser by any statement on the labels, and said product was thereby misbranded.

On May 29, 1911, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 on each count thereof as set forth in Notice of Judgment No. 1098, which includes the first and second counts of the information (F. & D. No. 1902), but the disposition of the third count was inadvertently omitted in said notice of judgment.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1914.*

2790. Misbranding of non-alcoholic grape juice. U. S. v. The Lake Erie Wine Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 2221. I. S. No. 2909-c.)

On May 9, 1911, the United States Attorney for the Northern District of Ohio, 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 Lake Erie Wine Co., Sandusky, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 26, 1910, from the State of Ohio into the State of Michigan, of a quantity of so-called non-alcoholic grape juice which was misbranded. The product was labeled: "Non-Alcoholic Grape Juice. Catawba. Guaranteed absolutely non-alcoholic. The contents of this package are guaranteed by Serial No. 11119 to comply with the National Pure Food and Drugs Act of June 30, 1906."

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

Specific gravity at 15.6° C.....	1. 07677
Alcohol (per cent by volume).....	1. 47
Alcohol, qualitative.....	Present.
Solids (grams per 100 cc).....	20. 42
Non-sugar solids (grams per 100 cc).....	2. 66
Sucrose by Clerget.....	None.
Reducing sugars as invert (grams per 100 cc).....	17. 76
Polarization, direct at 31° C.....	-24. 42° V.
Polarization, invert at 31° C.....	-24. 40° V.
Polarization, invert at 87° C.....	- 6. 92° V.
Ash (grams per 100 cc).....	0. 30
Phosphoric acid (P ₂ O ₅) (mg per 100 cc).....	19. 4
Sulphates as K ₂ SO ₄ (grams per 100 cc).....	0. 078
Total acid as tartaric (grams per 100 cc).....	0. 84
Artificial color.....	None.
Salicylic acid.....	None.
Benzoic acid.....	None.

Misbranding of the product was alleged in the information for the reason that the label thereon contained the statement, and would lead the purchaser of the article to believe, that it contained no alcohol, whereas, in truth and in fact, it contained alcohol in considerable quantity.

On December 16, 1912, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*