been offered in this case the court is not of the opinion that the Government has made out a case that calls for even consideration by the jury as to the guilt of this defendant.

The court, therefore, upon the whole case as made, gives you a peremptory instruction to find for the defendant, and one of your number will sign the verdict.

In accordance with the above instruction the jury thereupon returned a verdict of not guilty.

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

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

2798. Adulteration and misbranding of macaroni and vermicelli. U. S. v. Alphonse Bouchet, Marie Louise Pantiatichi and Stanley McIntosh, doing business under the name and style of P. Daussa & Co. Plea of guilty by defendant McIntosh. Fine, $20. Information dismissed as to defendants Bouchet and Pantiatichi. (F. & D. No. 2625. I. S. Nos. 10784-c, 10785-c, 12212-c, and 12213-c.)

On February 6, 1912, the United States Attorney for the Eastern 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 Alphonse Bouchet and Marie Louise Pantiatichi, and on June 23, 1913, against Stanley McIntosh, doing business under the name and style of P. Daussa & Co., Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of New York into the State of Florida—

(1) On November 19, 1910, of a quantity of vermicelli which was adulterated and misbranded. This product was labeled: "La Amiga del Pueblo Pureze Fideos. P. Daussa & Cia. Gran Fabrica de fideos, Refinos establecids en 1865. Brooklyn, E. U."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it was colored with a coal-tar dye Naphthol Yellow S, S&J 4. Adulteration of this product was alleged in the information for the reason that it was artificially colored with a yellow dye so as to simulate the appearance of high grade vermicelli, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label bore statements, designs, and devices regarding said product and the ingredients and substances contained therein which were false and misleading, in that the label represented it to be pure vermicelli of a natural color, whereas, in truth and in fact, it contained artificial coloring matter, the presence of which was not made known to the purchaser. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser, in that the labels conveyed the impression that the product was uncolored vermicelli of high grade, whereas, in truth and in fact, it consisted of products artificially colored.

(2) On November 25, 1910, of a quantity of macaroni which was adulterated and misbranded. This product was labeled: "La Amiga del Pueblo Pureza Fideos. P. Daussa & Cia, Maccaroni, Gran Fabrica de Fideos, establecida en 1865. Brooklyn, E. U."

Analysis of a sample of this product by said Bureau of Chemistry showed that it was colored with Naphthol Yellow S, S&J 4. Adulteration of the product was alleged in the information for the reason that it was artificially colored with a yellow dye so as to simulate the appearance of high grade macaroni, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label bore statements, designs, and devices regarding the product and the ingredients and substances contained therein which were false and misleading, in that said label represented the product to be pure macaroni of a natural color, whereas, in truth and in fact, it contained artificial coloring matter, the presence of which was not made known to the purchaser. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser, in that the label conveyed the impression that it was uncolored macaroni of high grade, whereas, in truth and in fact, it consisted of products artificially colored.

(3) On December 5, 1910, of a quantity of vermicelli which was adulterated and misbranded. This product was labeled: "Fideos P. Daussa & Cia. Gran Fabrica de Fideos Establecida en 1865, Brooklyn, E. U. Marca. Bandera de Honor, P. Daussa y Cia, Fabrica de Fideos."

Analysis of a sample of the product by said Bureau of Chemistry showed that it was colored with Naphthol Yellow S, S&J 4.

(4) On December 10, 1910, of a quantity of vermicelli which was adulterated and misbranded. This product was labeled: "Refinos P. Daussa & Cia. Gran Fabrica de Fideos Establecida en 1865 Brooklyn E. U. Independencia (Figure holding scales Cuban Flag, and standing on island) Cuba."

Analysis of a sample of this product by said Bureau showed that it was colored with Naphthol Yellow S, S&J 4.

Adulteration of these products was alleged in the information for the reason that they were artificially colored with a yellow dye so as to simulate the appearance of high grade vermicelli, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the labels thereon bore statements, designs, and devices regarding said products and the ingredients and substances contained therein which were false and misleading, in that the labels represented the products to be pure vermicelli of a natural color, whereas, in truth and in fact, they contained artificial coloring matter, the presence of which was not made known to the purchaser. Misbranding was alleged for the further reason that the products were labeled and branded so as to mislead and deceive the purchaser, in that the labels conveyed the impression that the products were uncolored vermicellis of high grade, whereas, in truth and in fact, they consisted of products artificially colored.

On June 23, 1913, defendant McIntosh entered a plea of guilty to the information and the court imposed a fine of $20. The information against Bouchet and Pantiatichi was dismissed.

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

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

2799. Adulteration and misbranding of vinegar. U. S. v. Patrick H. Sugrue et al. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 2670. I. S. No. 11824-c.)

On May 8, 1912, 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 Patrick H. Sugrue, John J. Sugrue, and Ralph B. Sugrue, doing business under the firm name and style of P. H. Sugrue & Co., Cleveland, Ohio, alleging the sale by said defendants, under a written guaranty, on or about October 25, 1910, of a quantity of vinegar which was on or about November 2, 1910, shipped by the purchaser thereof from the State of Ohio into the State of Pennsylvania, and which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: (On one end) "The W. Edwards Co., Clifton Brand Pure Cider Vinegar, Cleveland, O." (Opposite end) "47 Sugrue & Co., Cleveland, O. Manufd. Mar. 1, 1910. (Address) D. J. Frewen, Franklin, Pa."

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

Solids (grams per 100 cc)	2.04
Non-sugars (grams per 100 cc)	1.10
Reducing sugar direct (grams per 100 cc)	0.94
Sugar in solids (per cent)	46.1
Polarization, direct	−0.6° V.
Ash (grams per 100 cc)	0.41
Alkalinity of soluble ash (cc N/10 acid per 100 cc)	45.0
Soluble P_2O_5 (mg per 100 cc)	17.0
Insoluble P_2O_5 (mg per 100 cc)	15.4
Total acid as acetic (grams per 100 cc)	3.90