Adulteration of the product was alleged in the first and third counts of the information for the reason that a substitute, to wit, a product made from distilled vinegar and from material high in reducing sugars, had been mixed with the article so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a substance, to wit, a product made from distilled vinegar and from material high in reducing sugars, had been substituted in part for said article. Misbranding was alleged in the second and fourth counts of the information for the reason that the labels upon the product as above set forth were false and misleading in that they represented the product to be pure cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar but a mixture of distilled vinegar and material high in reducing sugars.

On January 27, 1913, the defendant company entered a plea of nolo contendere to the first and third counts of the information, charging adulteration, and the court imposed a fine of $150 and costs. The second and fourth counts, charging misbranding, were nolle prossed.

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

WASHINGTON, D. C., *February 3, 1914.*

2802. Adulteration of tomato pulp. U. S. v. John W. Rider. Plea of guilty. Fine, $25 and costs. (F. & D. No. 2788. I. S. No. 9964-c.)

At the November, 1911, term of the District Court of the United States for the District of Indiana the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against John W. Rider, alias the Scottsburg Canning Co., Scottsburg, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, on November 26, 1910, from the State of Indiana into the State of West Virginia, of a quantity of tomato pulp which was adulterated. The product bore no labels, but was shipped in barrels as tomato pulp.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 64 per one-sixtieth cmm; bacteria 140,000,000 per cc; mold filaments in 66 per cent of the microscopic fields.

Adulteration was charged in the indictment for the reason that the product consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 29, 1913, defendant entered a plea of guilty to the indictment and the court imposed a fine of $25 and costs.

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

WASHINGTON, D. C., *February 3, 1914.*

2803. Adulteration of tomato catsup. U. S. v. Banner Canning Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 2793. I. S. No. 11328-c.)

On March 14, 1912, the United States Attorney for the District of Utah, 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 Banner Canning Co., a corporation, Ogden, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about October 26, 1910, from the State of Utah into the State of Washington, of a quantity of tomato catsup which was adulterated. The product was labeled: "Tyee Brand Choice Table Catsup Packed for Powell-Sanders Co., Spokane, Wash."

Microscopical examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Watery consistency; iodin reaction, quite marked; Lagerheim test, very marked; bacteria (bacilli), 280,000,000 per cc; considerable mold and mold spores. Adulteration of the product was alleged in the information for the reason that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On September 12, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of $100 and costs of $18.61.

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

WASHINGTON, D. C., *February 3, 1914.*