

was alleged for the further reason that the label and brand aforesaid was false and misleading in that it would deceive and mislead the purchaser into the belief that the article was flavored with an appreciable quantity of maple, whereas, in fact, it contained little, if any, maple and in insufficient quantity to impart any maple flavor.

On March 3, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

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

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

2806. Misbranding of fish. U. S. v. 100 Pails of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3017. S. No. 1104.)

On October 16, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 pails, each containing 6 pounds of fish, remaining unsold in the original unbroken packages and in possession of Joseph M. Napier & Co., Macon, Ga., alleging that the product had been shipped by the Davis Bros., Gloucester, Mass., and transported from the State of Massachusetts into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in substance as follows: "New Ocean White Fish 1-6, 1277. Packed for Joseph M. Napier and Co., Macon, Ga."

Misbranding of the product was alleged in the libel for the reason that the label and branding thereon bore a statement regarding the kind and character of the fish contained in the 100 pails which was false and misleading for the reason that the fish were whiting or silver hake and not ocean whitefish as the labels indicated. Misbranding was alleged for the further reason that there was nothing in the labeling and branding of the product to indicate the true nature of the fish or that the true contents of the pails of fish were in any wise different from those described by the label, and the branding and labeling was therefore misleading and apt to deceive the purchaser.

On November 28, 1913, no claimant having appeared for the property, and it appearing that while the product was in the custody of the marshal it became decomposed and unfit for food, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

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

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

2807. Adulteration and misbranding of vinegar. U. S. v. Board, Armstrong & Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 3080. I. S. No. 13339-c.)

On August 28, 1913, the United States Attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Board, Armstrong & Co., Alexandria, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on March 6, 1911, from the State of Virginia into the State of Georgia, of a quantity of so-called apple cider vinegar which was adulterated and misbranded. The product was labeled: "Board, Armstrong & Co., White House Pure Apple Cider Vinegar, Alexandria, Va., 2835-46."

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

Total acids as acetic (per cent).....	4.35
Fixed acids as malic (per cent).....	0.017
Volatile acids as acetic (per cent).....	4.33
Total solids (per cent).....	1.97
Reducing sugars (mg per 100 cc)	822.0
Ash (per cent).....	0.345
Alkalinity of ash (cc N/10 acid per 100 cc).....	30.0

P ₂ O ₅ (mg per 100 cc)	21.48
Specific gravity.....	1.0147
Alcohol.....	None.
Lead precipitate.....	Medium.
Polarization (°V.)	-1.8
Color removed by fuller's earth (per cent).....	56.0
Color (degrees, 1/2 inch cell brewer's scale 52).....	2.0

Adulteration of the product was alleged in the information for the reason that a certain substance, that is to say, a substance consisting of a dilute solution of acetic acid or distilled vinegar and foreign ash material, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for it. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser and bore a statement which was false and misleading, that is to say, that the article was not, as the label represented, "Pure Apple Cider Vinegar."

On October 23, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

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

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

2808. Misbranding of cottonseed meal. U. S. v. Buckeye Cotton Oil Co. Tried to the court and a jury. Verdict, guilty. Fine, \$50 and costs. (F. & D. No. 3085. I. S. No. 11905-c.)

On February 19, 1912, 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 Buckeye Cotton Oil Co., a corporation, organized under the laws of the State of Ohio, doing business at Birmingham, Ala., alleging shipment by said company in violation of the Food and Drugs Act, on November 28, 1910, from the State of Alabama into the State of Maine, of a quantity of cottonseed meal which was misbranded. The product was labeled: "100 lbs., Buckeye Prime Cotton Seed Meal, Manufactured by the Buckeye Cotton Oil Company. General Offices, Cincinnati, Ohio. Guarantee: Protein 39 to 41 per cent., Fat 6.50 to 7 per cent., Ammonia 7.50 to 8 per cent., Nitrogen 6.25 to 6.50 per cent., Crude Fiber 8 to 10 per cent. * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Nitrogen, 5.39 per cent; protein, 33.68 per cent. Misbranding of the product was alleged in the information for the reason that the statement on the label: "Guarantee: Protein 39 to 41 per cent" was false and misleading in that the product contained less than 39 per cent protein, viz, 33.68 per cent protein.

On September 16, 1913, the case having come on for trial before the court and a jury, a verdict of guilty was returned by the jury and the court imposed a fine of \$50 and costs.

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

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

2809. Misbranding of vinegar. U. S. v. The Eloma Manufacturing Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 3089. I. S. No. 14531-c.)

On May 12, 1913, the United States Attorney for the District of Colorado, 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 Eloma Manufacturing Co., a corporation, Pueblo, Colo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 30, 1910, from the State of Colorado into the State of Kansas, of a quantity of so-called cider vinegar which was misbranded. The product was labeled: "Eloma Pure Cider Vinegar Serial No. 11387 Guaranteed to test not less than 40 grain. Packed by The Eloma Mfg. Co., Pueblo Colorado."