2826. Adulteration of fish. U. S. v. 2 Barrels of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3393. S. No. 1260.)

On February 5, 1912, the United States Attorney for the Middle District of Alabama, 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 two barrels each containing 200 pounds of fish, remaining unsold in the original unbroken packages at Montgomery, Ala., alleging that the product had been shipped on or about February 3, 1912, by the Warren Fish Co., Pensacola, Fla., and transported from the State of Florida into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The product was marked: "I. A. Kent & Co., Montgomery, Ala."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed animal substance.

On July 1, 1913, no claimant having appeared for the property, 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.*

2827. Adulteration and misbranding of apricot cordial. U. S. v. Old 76 Distilling Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 3396. I. S. No. 17720-c.)

On October 11, 1912, the United States Attorney for the Eastern District of Kentucky, 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 Old 76 Distilling Co., a corporation, Newport, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 13, 1911, from the State of Kentucky into the State of Tennessee, of a quantity of so-called apricot cordial which was adulterated and misbranded. The barrels containing the product were labeled (on commercial head) "Cordial Apricot Flavor"; (on stamp end) "Cordial."

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

Solids, refractometer (per cent)	12.00
Nonsugar solids (grams per 100 cc)	1.18
Reducing sugars as invert (grams per 100 cc)	17.81
Ash (grams per 100 cc)	.0332
Ash, soluble in water (grams per 100 cc)	.0296
Ash, insoluble in water (grams per 100 cc)	.0036
Alkalinity of soluble ash (cc N/10 acid per 100 grams)	4.4
Esters (grams per 100 cc)	.0176
Alcohol (grams per 100 cc)	14.82

Adulteration and misbranding of the product was alleged in the information for the reason that each of the barrels was branded "Cordial Apricot Flavor," when said label and brand as aforesaid, was false and misleading because it deceived and was calculated to deceive the purchaser thereof into the belief that it was genuine apricot cordial, whereas, in truth and in fact, it was not a genuine apricot cordial, but was an imitation apricot cordial; and the product was adulterated in that an imitation apricot cordial had been mixed and packed with the contents of the barrels so as to reduce, lower, and injuriously affect its quality and strength, and a substitute, to wit, imitation apricot cordial, had been substituted wholly or in part for genuine apricot cordial. And said product was further adulterated and misbranded in that it was composed wholly or in part of an alcoholic solution of sugar and contained very little, if any, juice of the apricot.

On April 7, 1913, the defendant company entered a plea of nolo contendere 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.*