

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

Citric acid (per cent).....	0.142
Phosphoric acid (per cent).....	0.066
Tartaric acid.....	None.
Eosin dye, probably Uranin No. 510.	
Total solids (per cent).....	62.5
Alcohol (per cent by volume).....	0.11
Ash (per cent).....	0.11
Sucrose (per cent).....	1.2
Total sugar as invert (per cent).....	63.7
Flavor: Capsicum.	
Color: Amaranth.	
Total acid as citric (per cent).....	0.37

Misbranding of the product was alleged in the information for the reason that the statement "Bludwine Syrup," borne on the label, was false and misleading because it misled and deceived the purchaser into the belief that the product contained wine when, as a matter of fact, it did not contain wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Bludwine Syrup," thereby creating the impression that it contained wine when, as a matter of fact, it did not contain wine.

On May 28, 1913, the case having come on for trial before the court and a jury after the submission of evidence and argument by counsel, the case was given to the jury and after due deliberation the jury returned into court with its verdict of not guilty.

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

WASHINGTON, D. C., *February 18, 1914.*

**2886. Adulteration of tomato catsup. U. S. v. H. N. Weller et al. Plea of guilty. Fine, \$50 and costs.** (F. & D. Nos. 4287, 4839, and 4904. I. S. Nos. 13673-d, 13674-d, 13675-d, 23967-d, and 23979-d.)

On April 3, 1913, 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 in five counts against H. N. Weller, H. J. P. Weller, and John Streibig, copartners trading under the firm name and style of H. N. Weller & Co., Toledo, Ohio, alleging shipment by said defendants, in violation of the Food and Drugs Act—

(1) On or about November 22, 1911, from the State of Ohio into the State of Oklahoma, of a quantity of three different brands of tomato catsup which was adulterated. The first brand was labeled: "New State Brand Tomato Catsup Packed for the Williamson-Halsell-Frasier Co. Oklahoma City-Guthrie-Shawnee-Chickasha-Elk City-Altus, Oklahoma." (Wooden cases marked) "2 doz. No. 16 New State Brand Tomato Catsup Packed for Williamson-Halsell-Frasier Co., Oklahoma City, Chickasha, Guthrie, Shawnee, Altus, Elk City, Okla." Examination of a sample of this brand by the Bureau of Chemistry of this department showed the following results: Mold filaments present in about 20 per cent of all microscopic fields examined; yeasts and spores, about 50 per one-sixtieth cubic millimeter, and bacteria about 200,000,000 per cc. The second brand was labeled: "Belle Isle Brand Tomato Catsup Preserved with  $\frac{1}{10}$  of 1% Benzoate Soda Williamson-Halsell-Frasier Co., Oklahoma City, Okla." Examination of a sample of this brand by said Bureau of Chemistry showed the following results: Mold filaments present in about 25 per cent of all microscopic fields examined; yeasts and spores, about 75 per one-sixtieth cubic millimeter; bacteria about 250,000,000 per cc. The third brand was labeled: "Belle Isle Brand Tomato Catsup Preserved with  $\frac{1}{10}$  of 1% Benzoate Soda Williamson-Halsell-Frasier

Co., Oklahoma City, Okla." (Wooden cases marked) "2 doz. No. 14 Belle Isle Brand Tomato Catsup Preserved with  $\frac{1}{10}$  of 1% Benzoate Soda Packed for Williamson Halsell Frasier Co., Oklahoma City, Chickasha, 'Guthrie.'" Examination of a sample of this brand by said Bureau of Chemistry showed the following results: Mold filaments present in about 20 per cent of all microscopic fields examined; yeasts and spores, about 70 per one-sixtieth cubic millimeter, and bacteria about 200,000,000 per cc. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance.

(2) On or about June 4, 1912, from the State of Ohio into the State of New York, of two brands of tomato catsup which was adulterated. The first of these brands was labeled: "Perfection Brand Tomato Catsup. Ingredients: Tomatoes, sugar, vinegar, salt, onions, garlic, spices, and one-tenth of 1 per cent of benzoate of soda. Not artificially colored. Packed by H. N. Weller & Co., Toledo, Ohio." Examination of a sample of this brand by said Bureau of Chemistry showed the following results: Mold filaments present in about 40 per cent of all microscopic fields examined; yeasts and spores, about 90 per one-sixtieth cubic millimeter, and bacteria about 100,000,000 per cc. The second brand was labeled: "Perfection Brand Tomato Catsup. Ingredients: Tomatoes, sugar, vinegar, salt, onions, garlic, spices, and one-tenth of 1 per cent benzoate of soda. Not artificially colored. Packed by H. N. Weller & Co., Toledo, Ohio." Examination of a sample of this brand by said Bureau of Chemistry showed the following results: Mold filaments present in about 82 per cent of all microscopic fields examined; yeasts and spores, about 61 per one-sixtieth cubic millimeter, and bacteria about 125,000,000 per c.c. Adulteration of the product was alleged in the information for the reason that it consisted in part of a decomposed vegetable substance.

On November 28, 1913, a plea of guilty was entered on behalf of the defendant firm and the court imposed a fine of \$50 and costs.

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

WASHINGTON, D. C., *February 18, 1914.*

**2887. Misbranding of evaporated milk. U. S. v. 650 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Goods released on bond. (F. & D. Nos. 4294, 4295, 4296. S. No. 1459.)**

On July 12, 1912, the United States attorney for the northern district of California, 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 650 cases of evaporated milk remaining unsold in the original unbroken packages at Oakland, Cal., alleging that the product had been shipped on or about April 19, 1912, from the State of Wisconsin into the State of California, and thereafter distributed to Dodge, Sweeney & Co., F. B. Peterson, William Cluff Co., Oakland, Cal., and to other persons, firms, and corporations unknown to libelant, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Globe unsweetened evaporated milk manufactured and guaranteed by National Condensed Milk Company, Chicago, Ill., U. S. A." (On cans) "Registered U. S. Pat. Of. Globe (design, atlas and cow) evaporated milk. Globe unsweetened evaporated milk is prepared from the very best milk products in the great dairy State of Wisconsin reduced to the consistency of cream by evaporation vacui. It is perfectly sterilized and free from bacteria and all disease producing germs. The milk from its production on model farms under our direct supervision until finally marketed is scientifically handled, every precaution being taken to insure high uniform quality unapproached by other brands. Every can is guaranteed. Globe evaporated milk is available for every purpose for which fresh milk or cream is used and preferably on account of its absolute purity and perfect sterilization. It is a perfect food for infants, nursing mothers and sick, and for any troubled with weak digestion, being very nourishing, and our process softens the casein thereby rendering the milk very easy of digestion. In handy form for use on land and sea. Guaranteed by National Condensed Milk Co. under the