

alleged for the reason that the article of food, being a frozen milk product deficient in butter fat and containing gelatin and coal-tar coloring matter, was an imitation of and offered for sale under the distinctive name of another article of food, to wit, ice cream.

On June 3, 1913, the defendant company filed its demurrer to the information, and on June 10, 1913, the court overruled said demurrer. Thereupon the defendant company entered its plea of nolo contendere to the information, and the court imposed a fine of \$15 and costs.

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

WASHINGTON, D. C., *May 6, 1914.*

3027. Adulteration of oil rosemary flowers and oil red thyme. U. S. v. James B. Horner.
Plea of guilty. Fine, \$125. (F. & D. No. 4989. I. S. Nos. 3573-d, 3574-d.)

On April 22, 1913, the United States attorney for the Southern 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 in two counts against James B. Horner, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 28, 1911, from the State of New York into the State of California—

(1) Of a quantity of oil rosemary flowers which was adulterated. This product was labeled: "Oil Rosemary Flowers, James B. Horner—New York."

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

Specific gravity, 25° C.	0.899
Rotation at 25° C.	+11.4
Index of refraction at 20° C.	1.468
Index of refraction at 20° C., first 10 per cent distillate.	1.468
Bornyl acetate (per cent).....	2.15
Borneol (per cent).....	9.2
Rotation at 25° C., first 10 per cent distillate.....	+10.4
Solubility in 90 per cent alcohol: Clear on one-half volume.	
Solubility in 80 per cent alcohol: Cloudy in 10 volumes.	

Adulteration of the product was alleged in the first count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of rosemary, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that said Pharmacopœia provides as a test for oil of rosemary that it shall contain not less than 2.5 per cent of ester calculated as bornyl acetate and not less than 10 per cent of total borneol, whereas it contained 2.15 per cent of ester calculated as bornyl acetate and 9.2 per cent of total borneol.

(2) Of a quantity of oil red thyme which was adulterated. This product was labeled "Oil Red Thyme. James B. Horner—New York."

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

Specific gravity at 25° C.	0.9133
Refractive index at 20° C.	1.4958
Optical rotation, 100 mm, 20° C.	-2.08
Soluble in one-half volume 95 per cent alcohol.	
Not soluble in 2 or 3 volumes 80 per cent alcohol.	
Official phenol: Absent.	
Phenols (by absorption) (per cent)	20.0
Pinene (nitroso-chlorid*test): Present.	
Oil is not U. S. P.	
Not soluble in 2 volumes of 80 per cent alcohol.	
*Contains added turpentine.	

Adulteration of the product was alleged in the second count of the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of thyme, and it differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of shipment and investigation, in that it contained turpentine, which is not one of the ingredients of oil of thyme as determined by the test laid down in said Pharmacopœia.

On May 12, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 upon the first count thereof and a fine of \$100 upon the second count.

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

WASHINGTON, D. C., *May 6, 1914.*

3028. Misbranding of vinegar. U. S. v. 25 Cases of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 4993. I. S. No. 1658.)

On or about January 30, 1913, the United States attorney for the Southern District of Texas, 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 25 cases, each containing two dozen bottles of vinegar, remaining unsold in the original unbroken packages and in possession of William D. Cleveland & Sons, Houston, Tex., alleging that the product had been shipped from the State of Kentucky into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. Qts. K. & L. Apple Vinegar." (On bottles) "Pure (design apple) Vinegar Bottled by Knadler & Lucas, Incorporated, Louisville, Ky."

Misbranding of the product was alleged in the libel for the reason that the bottles contained in the cases were not quarts in size, and that the vinegar in each bottle was less than the quantity indicated by an average shortage of 17.3 per cent, and the labeling of the cases as containing 2 dozen quarts was misleading and false, so as to deceive and mislead the purchaser as to the contents of the bottles contained in the cases, and the offer for sale of said cases and bottles of vinegar as aforesaid was a deceit and a misbranding within the meaning of the act aforesaid. On February 25, 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 sold by the United States marshal, and that the costs of the suit should be paid out of the proceeds of the sale, and if such proceeds were insufficient to pay all costs, it was adjudged that any balance should be adjudged against said William D. Cleveland & Sons. It was further ordered that said William D. Cleveland & Sons might at any time before the sale pay all costs and make bond in the sum of \$200, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 6, 1914.*

3029. Adulteration of ice cream. U. S. v. Louis George (Vienna Ice Cream Company). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 5001. I. S. No. 36237-e.)

On April 7, 1913, the United States attorney for the Southern District of West 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 Louis George, doing business as the Vienna Ice Cream Co., Bluefield, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of West Virginia into the State of Virginia, of a quantity of ice cream which was adulterated. The product was labeled on shipping tag: "To S. Auerbach, Pocahontas Train No. 9 Gallons 5 Date 8/24 Tub No. Frozen Milk Product made with condensed milk Vienna Ice