

On April 3, 1912, pleas of guilty were entered by defendants, and the court imposed a fine of \$100.

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

WASHINGTON, D. C., *June 8, 1914.*

3282. Adulteration and misbranding of tomato catsup. U. S. v. The Schorndorfer & Eberhard Co. Plea of nolo contendere. Fine, \$20. (F. & D. No. 2710. I. S. No. 3777-c.)

On October 4, 1911, 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 against The Schorndorfer & Eberhard Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 3, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of tomato catsup, which was adulterated and misbranded. The product was labeled: "Famous Brand Tomato Catsup 1/10 of 1% Benzoate of Soda. Prepared by The Schorndorfer & Eberhard Co. Cleveland, O."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed yeasts and spores, 185 per 1/60 cm; bacteria, 100,000,000 per cc; mold filaments in 60 per cent of the fields; sodium benzoate, 0.18 per cent; no evidence of active spoilage when opened; it contained 2 molds in 1 cc of the catsup when developed on wort or dextrose agar. Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed substance. Misbranding was alleged for the reason that the label upon the article as above set forth was false and misleading and calculated to deceive the purchaser, in that said label stated that the article contained one-tenth of one per cent benzoate of soda, when in fact it contained more than one-tenth of one per cent benzoate of soda.

On February 6, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

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

WASHINGTON, D. C., *June 8, 1914.*

3283. Adulteration and misbranding of cider. U. S. v. National Fruit Products Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 2721. I. S. No. 10472-c.)

On August 13, 1913, the United States attorney for the Western District of Tennessee, 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 National Fruit Products Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 9, 1910, from the State of Tennessee into the State of Kentucky, of a quantity of cider which was adulterated and misbranded. The product was labeled: "Apple Base Cider. Guaranteed. The contents of this package as originally filled are guaranteed to be made from apples fortified with sugar. (No distilled spirits, wine, fermented juice of grapes or other small fruits or alcoholic liquors being added) Flavored with artificial flavoring; colored with vegetable color and contains 1/10 of 1% Benzoate of Soda. Sweetened with artificial sweetening matter, and conforms to the provisions of the Food and Drugs Act as passed by Congress of June 30, 1906. We also guarantee the contents of this package as originally filled to be exempt from Internal Revenue Tax. National Fruit Products Co., Memphis, Tenn." "Apple Base Cider. Guarantee. Made from apples fortified with sugar. Flavored with artificial