

**3291. Adulteration and misbranding of Scuppernong wine. U. S. v. 25 Cases of Scuppernong Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3952. S. No. 1381.)**

On May 13, 1912, the United States attorney for the Eastern District of Michigan, 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 of so-called Scuppernong wine, remaining unsold in the original unbroken packages and in possession of C. H. Ritter & Co., Detroit, Mich., alleging that the product had been shipped on April 3, 1912, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet. 12 Bottles." (On bottles, neck label) "Guaranteed by the Sweet Valley Wine Company. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law. Special." (Principal label) "Special Queen of Lake Erie Ohio. Scuppernong Wine Bouquet. Delaware-Scuppernong Wine-Blend-Ameliorated."

It was also alleged in the libel that the product was adulterated in violation of section 7 of the Food and Drugs Act, and of paragraphs 1 and 2 under "Food" in said act, an examination of samples of the product by the Bureau of Chemistry of this department having revealed that the product was imitation Scuppernong wine, prepared wholly or in part from sugar, water, flavor, and grapes other than Scuppernong grapes. It was further alleged that the product was liable to condemnation and confiscable under the provisions of the Food and Drugs Act and of section 10 thereof, for the reason that the product by the label contained on the cases thereof was labeled and printed so as to deceive and mislead the purchaser thereof, and said product was adulterated in that a substitution had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and in that a substance had been substituted in part for the article, an analysis of the article disclosing the fact that said product was an imitation of Scuppernong wine, prepared wholly and in part from sugar, water, flavor, and grapes other than Scuppernong grapes, as aforesaid.

On October 6, 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., *June 8, 1914.*

**3292. Adulteration and misbranding of preserves. U. S. v. Jones Bros., Castleman & Blakemore (The Castleman-Blakemore Co.). Plea of guilty. Fine, \$10. (F. & D. No. 3956. I. S. No. 13501-d.)**

On September 13, 1912, the United States attorney for the Western 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 Jones Bros., Castleman & Blakemore, a corporation, Louisville, Ky., the name of said corporation having on February 6, 1912, been changed under the laws of said State of Kentucky to the name of The Castleman-Blakemore Co., alleging shipment by said company, in violation of the Food and Drugs Act, on August 7, 1911, from the State of Kentucky into the State of West Virginia, of a quantity of preserves which was adulterated and misbranded. The product was labeled: (Principal label) "Bob White Brand Preserves Mixed with Corn Syrup Apple Jelly Put up by Jones Bros. Castleman & Blakemore incorporated.

Louisville, Ky. U. S. A." (Neck label) "Plum," the said word "Plum" being printed in large broad-faced capital letters of a white color,  $\frac{1}{4}$  inch in height, upon a bluish background, and said words "Bob White" and "Preserves" being printed in large broad-faced capital letters of a white color,  $\frac{3}{8}$  inch in height, upon a bluish background, and said words "Mixed with corn syrup-apple jelly" being printed in hair line white capitals only  $\frac{2}{16}$  inch in height upon a bluish background, and so printed thereon as not to be readily observed or seen by a person examining the same.

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

Solids, total (per cent)-----	72.73
Nonsugar solids (per cent)-----	33.76
Sucrose, by Clerget (per cent)-----	3.04
Reducing sugars as invert, total (per cent)-----	38.97
Commercial glucose (factor 163) (per cent)-----	64.05
Polarization, direct, at 22° C. (°V.)-----	+108.0
Polarization, invert, at 22° C. (°V.)-----	+104.0
Polarization, invert, at 87° C. (°V.)-----	+104.4
Ash, total (per cent)-----	0.55
Ash, soluble in water (per cent)-----	0.31
Ash, insoluble in water (per cent)-----	0.24
Alkalinity of soluble ash (cc N/10 acid per 100 grams)-----	30.0
Acids (cc N/10 alkali per 100 grams)-----	12.5
Soluble solids, refractometer (per cent)-----	72.4
Insoluble solids (per cent)-----	0.33
Preservative:	
Benzoic acid: Negative.	
Salicylic acid: Negative.	
Saccharin: Negative.	
Coal tar color: Negative.	
Phosphoric acid (per cent)-----	0.147

Adulteration of the product was alleged in the libel (information) for the reason that a substance, to wit, phosphoric acid, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect its quality, and for the further reason that a substance, to wit, phosphoric acid, had been substituted in part for plum preserves in said article of food, and that said article of food had been mixed with phosphoric acid whereby its inferiority was concealed. Misbranding of the product was alleged for the reason that it was labeled as set forth above, which said statement as aforesaid, borne upon each of the packages and labels, was false and misleading, in that each of said packages and labels purported to state the ingredients contained therein, displayed in such a manner as to convey to persons examining the same the impression that all the ingredients contained therein were stated upon said packages and labels; and said neck label bearing the word "Plum" in much more conspicuous style than the words "Mixed with corn syrup-apple jelly" of the other labels was false and misleading in that it was displayed and in so conspicuous a manner as to convey to a person examining the same the impression that the contents of each of the packages, to wit, jars, were composed entirely of plums, whereas, in truth and in fact, the said article of food contained phosphoric acid which had been added thereto and which ingredient was not named or declared upon any label upon said packages, to wit, jars, and said food

product did not consist entirely of plums but consisted in whole or in part of plums, glucose, and apple jelly, with phosphoric acid added thereto; and said statement so as aforesaid borne on said packages and labels was false and misleading, in that each of said packages, to wit, jars, which bore said label and statement, was labeled and branded so as to deceive and mislead the purchasers thereof who might read the whole of said label into the belief that all of the ingredients of said article of food were stated in said label, and that said article of food was plum preserves prepared without any admixture of phosphoric acid, whereas, in truth and in fact, each of said packages, to wit, jars, contained an admixture of phosphoric acid, and there was no statement on any of said packages and labels declaring the presence of phosphoric acid in said article of food. It was further alleged in the information that said statement borne upon each of the packages and labels was false and misleading, for the reason that each of said packages and labels purported to state all the ingredients and substances contained in said packages, whereas, in truth and in fact, said labels did not state all the ingredients and substances contained in said article of food, and said article of food contained phosphoric acid, which had been added thereto, and which said ingredient was not named or declared upon any label upon said packages, or any of them.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

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

**3293. Adulteration of yellow egg shade coal tar color. U. S. v. E. V. Kohnstamm, et al. (H. Kohnstamm & Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 3957. I. S. No. 12142-c.)**

On September 5, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against E. V. Kohnstamm, M. V. Kohnstamm, E. G. Kohnstamm, J. Kohnstamm, L. Kohnstamm, and W. Longfelder, copartners, doing business as H. Kohnstamm & Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on September 21, 1910, from the State of Illinois into the State of Missouri, of a quantity of so-called yellow egg shade coal tar color used as an ingredient in the preparation and manufacture of confectionery products. The product was labeled: "Atlas Colors for Confectioner's use H. Kohnstamm & Co. New York Chicago Yellow Color Egg Shade Coal Tar Color Guaranteed Harmless. We guarantee the contents of this package to contain no coloring matter other than of the 7 colors permitted (in uncertified form) in F. I. D. 76 \* \* \*."

Analysis of samples of the product by the Bureau of Chemistry of this department showed the following results: Sample 1, arsenic as  $As_2O_3$ , parts per million, 18.2; sample 2, arsenic as  $As_2O_3$ , parts per million, 22.5.

Adulteration of the product was alleged in the information for the reason that it contained an ingredient deleterious and detrimental to health, to wit, arsenic, as arsenious oxid, and for the further reason that a certain foreign substance, arsenic, as arsenious oxid, had been mixed and packed with it in such a manner as to reduce and lower and injuriously affect its quality and strength.

On September 16, 1913, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

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

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