

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.

**3294. Adulteration and misbranding of salad dressing. U. S. v. The Schorndorfer & Eberhard Co., now The Miller-Eberhard Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 3958. I. S. Nos. 3778-c, 15612-c.)**

On August 1, 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 against The Schorndorfer & Eberhard Co., now The Miller-Eberhard Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 10, 1910, from the State of Ohio into the State of Pennsylvania, of a quantity of salad dressing which was adulterated and misbranded. The product was labeled: (Wrapper label) "Jersey (picture of cow's head) Cream Salad Dressing Trade Mark Never Separates Never Spoils Keep Wrapped Until Used A delicious dressing for lobsters \* \* \* etc etc Made from ingredients pure, choice, and wholesome. The Jersey Cream Salad Dressing Always Remains Fresh And Ready For Use. Warranted not to separate, spoil, or become rancid. Schorndorfer & Eberhard—Cleveland, O. Keep bottle in cool place & wrapped until used." (Bottle label) "Pure (picture of cow's head) Best Trade Mark." "Jersey Cream (picture of cow's head) Trade Mark Salad Dressing Manuf'd by The Schorndorfer & Eberhard Co. Cleveland, O. A delicious dressing for lobsters, chicken, cold meats, tomatoes, lettuce, etc., etc. Ingredients Pure, Choice and Wholesome. 2768."

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

Determination.	Sample No. 1.	Sample No. 2.
Reichert-Meißl number of fat.....	7	7
Test for cottonseed oil.....	Negative.	Negative.
Refractive index oil at 15.5°.....	1.4705	1.4697
Sodium benzoate (per cent).....	0.18	0.15
Turmeric.....	Present.	Present.
Saponification number.....		196.6
Iodin number.....		58.35
Test for butyric.....		Positive.
Fat (per cent).....		9.55
Lecithin P <sub>2</sub> O <sub>5</sub> (per cent).....		0.052
Protein (per cent).....		5.16
Benzoic acid.....		Present.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, benzoate of soda, had been substituted wholly or in part for the salad dressing which the article purported to be. Misbranding of the product was alleged for the reason that the statement on the label, to wit, "Salad Dressing," was false and misleading, as it conveyed the impression that the article consisted of salad dressing unmixed with an artificial preservative, whereas the same was a salad dressing mixed with a quantity of benzoate of soda, an artificial preservative. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that the article was a salad dressing free from artificial preservatives, whereas, in fact, the same contained a quantity of benzoate of soda, an artificial preservative, the presence of which was not declared on the label.

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

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

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