

tilled vinegar, and a product high in reducing sugar and certain mineral matter, had been mixed with the said article of cider vinegar, so as to reduce or lower, or injuriously affect the quality and strength of the said cider vinegar, and for the further reason that other substances, to wit, a dilute solution of acetic acid or distilled vinegar, and a product high in reducing sugars and certain mineral matter, had been substituted wholly or in part for the said article of cider vinegar. Misbranding of the product was alleged for the reason that the package was labeled and branded and bore the statement set forth above regarding the article or substance contained therein, which said label, brand, and statement was false and misleading in that said package did not contain cider vinegar, but, on the contrary, consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and added mineral matter.

On November 6, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

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

WASHINGTON, D. C., May 26, 1914.

3310. Adulteration and misbranding of confectionery. U. S. v. Powell's. Plea of guilty. Fine, \$25. (F. & D. No. 4767. I. S. No. 13349-d.)

On May 7, 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 against Powell's (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on April 17, 1912, from the State of New York into the State of Massachusetts, of a quantity of confectionery which was adulterated and misbranded. The product was labeled: "Powell's New York Chocolate Cream Maraschino Cherries."

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

Weights:

Sample (grams) -----	210
Liquor (grams) -----	2.5
Cherries (grams) -----	34.0
Alcohol in cherries and liquor (per cent by weight) -----	0.8
Benzaldehyde in cherries and liquor (mg per 100 cc) -----	1.5

Color: Ponceau 3 R.

Cherries are large ones of Bigarreaux type. The cherries are evidently the imitation maraschino cherries of the trade.

Adulteration of the product was alleged in the information for the reason that it contained a certain spirituous liquor, to wit, alcohol. Misbranding of the article was alleged for the reason that the statements, designs, and devices upon the label thereof regarding said article and the ingredients and substances contained therein were false and misleading, and said label was calculated to mislead and deceive the purchaser thereof in that said label would indicate that the cherries used in said confectionery were genuine maraschino cherries, whereas, in truth and in fact, the cherries used therein were not maraschino cherries, but were cherries of the Bigarreaux type, artificially colored and flavored.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

WASHINGTON, D. C., June 20, 1914.