

tained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Orange," whereas, in truth and in fact, the said puddine was not fruit flavored, but was flavored with citral. Further misbranding was alleged in the ninth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain design regarding the ingredients and substances contained therein, to wit, a dish of fruit, and in that each of said packages bore a certain statement regarding the said ingredients and substances, which said statement in effect was that said puddine was a fruit puddine and a fruit flavored puddine, orange, which said design and which said statement were false and misleading, in that they would import that the said puddine contained fruit or a fruit flavor, whereas, in truth and in fact, the said puddine did not contain fruit or a fruit flavor.

Misbranding of the remaining portion of the product was alleged in the fifth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages containing the same bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Rose Vanilla," whereas, in truth and in fact, the said puddine did not contain vanilla, but, on the contrary, contained a quantity of vanillin, to wit, 0.04 of 1 per cent. Further misbranding was alleged in the tenth count of the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that each of the packages bore a certain statement regarding the ingredients and substances contained therein, which said statement was false and misleading, each of the packages being labeled as follows: "Fruit Flavored Puddine, Rose Vanilla," whereas, in truth and in fact, the said puddine did not contain vanilla.

On March 26, 1914, the defendant company entered a plea of guilty to the first, second, third, fourth, sixth, seventh, eighth, and ninth counts of the information, and the court imposed a fine of \$40. The fifth and tenth counts of the information were nolle-prossed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3426. Misbranding of imitation lemon flavoring. U. S. v. Fruit Puddine Co. Plea of guilty. Fine, \$5. (F. & D. No. 2371. I. S. No. 11019-c.)

On November 4, 1912, the United States attorney for the District of Maryland, 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 Fruit Puddine Co., a body corporate, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on July 6, 1910, from the State of Maryland into the State of Ohio, of a quantity of imitation lemon flavoring which was misbranded. The product was labeled: "Elk Brand Imitation Lemon Flavoring. Color combination of permitted coal tar dyes described in U. S. Dept. Agriculture. Oil Lemon .75% Alcohol 33% Water 66.25% Color Q.S. Manufactured by Clotworthy Chemical Co., Baltimore, Md."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Lemon oil, none; citral, 0.10 per cent; ethyl alcohol, 31.98 per cent; an unpermitted coal tar color with reactions of Tartrazine, S & J 94.

Misbranding of the product was alleged in the information for the reason that each of the packages containing the same bore a statement, in substance and effect, that said article of food contained 75/100 of 1 per cent oil of lemon,

which said statement was false and misleading, in that said article of food did not contain 75/100 of 1 per cent oil of lemon, but, as a matter of fact, contained no oil of lemon whatever. Misbranding was alleged for the further reason that each of the packages containing the product was labeled and branded so as to deceive and mislead the purchaser, in that it was stated upon each of said packages in substance and effect that said article of food contained 75/100 of 1 per cent oil of lemon, whereas, in truth and in fact, the said article of food did not contain 75/100 of 1 per cent oil of lemon.

On March 26, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$5.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3427. Misbranding of cheese. U. S. v. 30 Boxes or Packages of Cheese. Order of court releasing product on bond. (F. & D. No. 3121. S. No. 1138.)

On October 31, 1911, 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 a libel for the seizure and condemnation of 30 boxes or packages of cheese remaining unsold in the original unbroken packages and in possession of Sehon, Stevenson & Co., a corporation, Huntington, W. Va., alleging that the article had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. The boxes were labeled, "Crosby & Meyers, Cincinnati, Ohio," and all the boxes bore figures indicating the weight corresponding to the amount entered in the invoice.

It was alleged in the libel that the product was misbranded and liable to condemnation and confiscable for the reason that said boxes or packages did not contain as many pounds of food or cheese as they purported to contain as evidenced by the weight markings on the outside of said boxes or packages, but contained fewer pounds of cheese than marked on the outside of said boxes or packages, and [said marks] were misleading and false so as to deceive and mislead the purchaser and [constituted] a misbranding within the meaning of the act.

On November 11, 1911, the said Sehon, Stevenson & Co., claimant, filed, in conformity with an order of court theretofore entered, its bond in the sum of \$200, in conformity with section 10 of the act, for the release of the goods, conditioned that said claimant should pay the costs of the proceedings and obliterate the old brands on the boxes of cheese and rebrand the same, stating on said boxes the actual weight of the cheese therein.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3428. Misbranding of fruit puddine. U. S. v. Fruit Puddine Co. Plea of guilty. Fine, \$50. (F. & D. No. 3992. I. S. No. 926-d.)

On July 18, 1913, the United States attorney for the District of Maryland, 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 Fruit Puddine Co. (Inc.), a body corporate, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on May 8, 1911, from the State of Maryland into the State of Ohio, of a quantity of a certain article of food called "Fruit Puddine, Lemon," which was misbranded. The product was labeled: (On shipping case) "2 doz. Pkgs. Fruit Puddine Trade Mark Registered A Compound (Picture of bowl of fruit) Fruit Puddine Co., Baltimore,