

the further reason that it was food in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in certain other shipments was alleged in substance for the reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure [of] Termini Imerese [Italy] Sicilia-Italia Guaranteed Absolutely Pure," and "One Gallon Net," or " $\frac{1}{2}$ Gallon Net," or " $\frac{1}{4}$ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, and that each of said cans contained one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Sicily, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain one gallon, or $\frac{1}{2}$ gallon, or $\frac{1}{4}$ gallon net of the article, but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the statements, to wit, "Finest Quality Olive Oil Extra Pure Termini Imerese Sicilia-Italia Guaranteed Absolutely Pure," borne on the cans, purported that the article was a foreign product, whereas, in truth and in fact, it was not, but was a domestic product. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the article in one of the shipments was alleged for the reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

On August 27, 1919, the defendants entered pleas of guilty to the information and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

GS40. Adulteration and misbranding of Temperine and Cream Ale. U. S. * * * v. Herman Friedman and Joe Laevison (A. M. Laevison & Co.). Plea of guilty. Fine, \$500 and costs. (F. & D. No. 8493. I. S. Nos. 12226-m, 12253-12254-m, 11979-11980-m, 20107-m.)

On April 10, 1918, 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 Herman Friedman and Joe Laevison, trading as A. M. Laevison & Co., Paducah, Ky., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 9, 1917, January 10, 1917, January 26, 1917, and January 31, 1917, from the State of Kentucky into the State of Illinois, of quantities of an article, labeled in part "Temperine The Great Temper-

ance Drink," and on January 5, 1917, and January 24, 1917, from the State of Kentucky into the States of Mississippi and Tennessee, of quantities of an article, labeled in part "Cream Ale," which were adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

The "Temperine" contained from 3.48 per cent to 4.90 per cent of alcohol by volume and the bottles contained less than 12 fluid ounces as labeled.

THE CREAM ALE.

	<i>Shipment of Jan. 5, 1917.</i>	—	<i>Shipment of Jan. 24, 1917.</i>
Alcohol (per cent by volume)-----	4.22	—	3.90
Extract (grams per 100 cc.)-----	4.39	—	5.62
Reducing sugars as maltose (grams per 100 cc.)—	1.70	—	2.12
Protein (N x 6.25)-----	0.388	—	0.344
Ash (grams per 100 cc.)-----	0.14	—	0.13
Total P ₂ O ₅ (milligrams per 100 cc.)-----	51.0	—	43.0
Acidity as lactic (grams per 100 cc.)-----	0.11	—	0.11
Degree of fermentation-----	60.4	—	48.4

The above analyses show the samples to be light bodied beer.

Adulteration of the "Temperine" in each shipment was alleged in the information for the reason that a product containing sufficient alcohol to render it intoxicating had been substituted for a non-intoxicating beverage containing less than one-half of one per cent of alcohol, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "The Great Temperance Drink Contains Less Than ½ of 1% of Alcohol." * * * "Temperine, Non-intoxicating, Contents 12 Fluid Ozs.," and "A. M. Laevison & Co., Paducah, Ky.," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a non-intoxicating drink which contained less than ½ of 1 per cent of alcohol, and that said bottles each contained 12 fluid ounces of the article, and that said article was manufactured by A. M. Laevison & Co., Paducah, Ky., whereas, in truth and in fact, it was not a non-intoxicating drink which contained less than ½ of 1 per cent of alcohol, and said bottles each did not contain 12 fluid ounces of the article, and said article was not manufactured by A. M. Laevison & Co., Paducah, Ky., but was an intoxicating drink which contained more than ½ of 1 per cent of alcohol, and said bottles each contained less than 12 fluid ounces of the article, and said article was manufactured by the Evansville Brewing Association, Evansville, Ind. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the bottle.

Adulteration of the "Cream Ale" in each shipment was alleged for the reason that a substance, to wit, beer, had been substituted in whole or in part for cream ale, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Cream Ale" and "A. M. Laevison & Co., Paducah, Ky.," borne on the labels attached to the bottles, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was cream ale, and that the said article was manufactured by A. M. Laevison & Co., Paducah, Ky., whereas, in truth and in fact, it was not cream ale and was not manufactured by A. M. Laevison & Co.,