

was offered for sale under the distinctive name of a cream containing 20 per cent of butter fat, whereas, in truth and in fact, it was another article, to wit, a cream containing only 18.82 per cent of butter fat in the first shipment, and only 14.2 per cent of butter fat in the second shipment.

On October 14, 1913, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$75.

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

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

3314. Misbranding of molasses. U. S. v. American Molasses Co. Plea of guilty. Fine, \$25. (F. & D. No. 4969. I. S. No. 21260-d.)

On June 23, 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 the American Molasses Co., a corporation of New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on March 14 and April 5, 1912, from the State of New York into the State of Virginia, of a quantity of molasses which was misbranded. The product was labeled: "No. 7 Atlas Specialty Co., Richmond, Va. R. 57 56."

Analysis of a barrel of the product by a representative of the Department of Agriculture showed that it was marked "56," meaning 56 gallons, when it contained in fact only 54 gallons. It was alleged in the information that 25 of the barrels of the product were misbranded and labeled as aforesaid so as to deceive and mislead the purchaser thereof and that the labels on said barrels would indicate that they contained at least 56 gallons of molasses, whereas, in truth and in fact, each of said barrels contained less molasses, and the said article was further misbranded in that it was in package form and the contents were not plainly and correctly stated on the outside of said package in terms of measure, but were incorrectly stated in terms of measure as containing at least 56 gallons of molasses, whereas, in truth and in fact, each of said barrels contained a less quantity of molasses.

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.*

3315. Adulteration and misbranding of vinegar. U. S. v. 25 Barrels of So-called Sugar Vinegar. Judgment of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5025. S. No. 1682.)

On February 10, 1913, the United States attorney for Kansas, 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 barrels, more or less, of sugar vinegar, remaining unsold in the original unbroken packages and in possession of the B. C. Twenhofel Mfg. Co., of Kansas City Kans., alleging that the product had been shipped on or about January 9, 1913, by the Monarch Vinegar Works of Kansas City, Mo., and transmitted from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled in stencil: "Sugar 85 grain."

Adulteration of the product was alleged in the libel for the reason that it was a distilled vinegar of [or (?)] a dilute acetic acid, [and that there was (?)] a reduction of quality and character of the product by the addition of distilled vinegar or dilute acetic acid, which had been substituted wholly or in part for sugar vinegar.

Misbranding was alleged for the reason that the quotations worded and designed on the stenciled label on the end of each of said barrels as hereinbefore set forth conveyed the impression that said vinegar or product was sugar vinegar of 85 [8.5 (?)] per cent strength when, in truth and in fact, said vinegar was wholly or in part a distilled acetic acid vinegar reduced in quality and character by the addition of distilled vinegar or dilute acetic acid which had been substituted wholly or in part for sugar vinegar, and said quotation, wording, and design on said labels were calculated to mislead the purchaser, and were, therefore, false and misleading.

On October 16, 1913, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

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

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

3316. Adulteration of ice cream. U. S. v. Wm. Mitchell (Graham Ice Cream Co.). Plea of guilty. Fine, \$50. (F. & D. Nos. 5091, 5092. I. S. Nos. 36242-e, 36248-e.)

On July 10, 1913, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. Mitchell, trading as the Graham Ice Cream Co., Graham, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 25 and 27, 1912, from the State of Virginia into the State of West Virginia of a quantity of ice cream which was adulterated. The product in the shipment of August 25 was labeled: (On shipping tag) "Graham Ice Cream Co., Graham, Va. For M. H. Bleshm Address Bluestone, West Va. Train No. 9. 5 gallons Straw. Tub No. 694 8-25-12 No. 2307." (On tub) "Graham Ice Cream Co., Graham, Va. 694." The product in the shipment of August 27 was labeled: (On tag) "Graham Ice Cream Co., Graham, Va. For M. H. Bleshm Address Bluestone Jct. W. Va. Train 9. 3 gallons Tub No. 614 Date 8-27 No. 2566." (On tub) "Graham Ice Cream Co., Graham, Va."

Analysis of a sample of the product in the first shipment by the Bureau of Chemistry of this department, showed the following results:

Fat (per cent).....	6.03
Total solids (per cent).....	26.11
Gelatin: Strong test.	

Bacteriological examination showed 224,000,000 organisms per cc, plain agar, after 3 days at 25° C.; 146,000,000 organisms per cc litmus lactose agar, after 3 days at 25° C.; 1,000,000 *B. coli* group per cc; 1,000,000 streptococci. Bacteriological examination of a sample from the second shipment, by said Bureau of Chemistry, showed the following results: 200,000,000 organisms per cc, plain agar at 25° C.; 250,000,000 organisms per cc, litmus lactose agar at 25° C.; 10,000,000 *B. coli* group per cc; 10,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance.

On August 15, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

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

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