

4752. Adulteration and misbranding of canned pork and beans. U. S. * * * v. Wm. E. Morris, trading as David Morris & Son. Plea of guilty. Fine, \$10. (F. & D. No. 7255. I. S. No. 4844-k.)

On May 11, 1916, the United States attorney for the Eastern District of Pennsylvania, 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. E. Morris, trading as David Morris & Son, Philadelphia, Pa., alleging the sale by said defendant, under a guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, on or about May 10, 1915, of a quantity of canned pork and beans which was an adulterated and misbranded article within the meaning of the said act, and which said article, in the identical condition in which the same was received, was shipped by the purchaser thereof, on or about May 11, 1915, from the State of Pennsylvania into the State of Delaware, in further violation of said act. The article was labeled: "American Brand for Lunch and Pic-nics." (Representation of pot of beans.) "Pork and Beans For Consumers Where Quality Counts. Serial No. 13081. Net Weight 1 lb. 3 oz. American Brand Pork and Beans Packed Expressly for Fancy Trade by the Hummelstown Canning Co. Hummelstown, Pa. Guaranteed under the Food and Drugs Act, June 30, 1906. Have you tried our Swatara Brand of Tomatoes, Corn, String Beans, Apples, Pumpkin, etc. Ask your grocer. H 3734. None but the Highest Grade Materials Used in These Goods. Good Hot or Cold. Directions—Remove Label and Wrapper Place in Boiling Water for Fifteen Minutes Then Open and Serve."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Can No. 1.		Can No. 2.	
	No.	Per cent.	No.	Per cent.
Questionable and slightly musty beans.....	895	88.2	883	88.3
Decidedly musty beans.....	120	11.8	117	11.7

A partially decomposed vegetable product which has been treated in such manner as to conceal inferiority.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy, putrid, and decomposed vegetable substance, and for the further reason that the article was an inferior product, to wit, pork and beans, which were of low grade and were decomposed, and tomato sauce had been mixed therewith in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "American Brand Pork and Beans Packed Expressly for Fancy Trade," "American Brand for Lunch and Pic-nics Pork and Beans For Consumers Where Quality Counts," and "None but the Highest Grade Materials Used in These Goods," were false and misleading in that they indicated to purchasers thereof that the article consisted of high-grade pork and beans, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of high-grade pork and beans, when, in truth and in fact, it did not, but did consist of, to wit, pork and beans which were of low grade and were decomposed.

On May 15, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*