

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 702, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF APPLE BUTTER.

On or about March 17, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Kentucky a quantity of a food product labeled "Clymer's Brand Apple Butter. Absolutely Pure, St. Louis Syrup & Preserving Co., St. Louis, Mo." and on or about November 9, 1909, said company shipped from the State of Missouri to the State of Oklahoma a quantity of apple butter, part of which was labeled "Clymer's Brand Apple Butter. Absolutely Pure, St. Louis Syrup & Preserving Co. Net 16 oz. U. S. Serial No. 8563," and part of which bore label identical with that on the shipment of March 17 above referred to. Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course three criminal informations were filed in the District Court of the United States for the Eastern District of Missouri against the said St. Louis Syrup and Preserving Company charging the above shipments and alleging that the product first above mentioned was adulterated, in that it contained 6.13 per cent of glucose, which had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality, and in that the said glucose had been substituted in part for the article described in the label

thereon above set forth, and that the said product was misbranded, in that the label thereon was false and misleading and such as to deceive and mislead the purchaser into supposing that he was buying an absolutely pure apple butter, when in truth and in fact the product was adulterated with glucose, an ingredient not contained in absolutely pure apple butter; and further alleging that the product bearing the first of the two brands mentioned as comprised in the above shipment of November 9, 1909, was adulterated, in that it contained 0.24 per cent phosphoric acid, which had been substituted in part for the article, and which had been mixed and packed with the product so as to injuriously affect its quality and strength, and that said product was misbranded, in that the label thereon was false and misleading and such as to deceive the purchaser into the belief that the article was absolutely pure as described by said label, when in truth and in fact, it contained 0.24 per cent phosphoric acid; and alleging that the product shipped on November 9 which bore the same label as that above referred to as shipped on March 17, was adulterated, in that it contained 4.9 per cent commercial glucose, which had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the product, and that said product was misbranded, in that the label thereon above set forth was false and misleading and such as to deceive and mislead the purchaser into the belief that said product was absolutely pure apple butter, when in truth and in fact it was an adulterated article, as above set forth.

On October 8, 1910, the defendant entered a plea of guilty to all three of the above informations and the court imposed a fine of \$20 and costs in each of said cases.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1910.*