

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1808.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION OF DRIED PEACHES AND OF DRIED BLACK- BERRIES.

On November 28 and September 9, 1911, the United States Attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against James T. Ayers, Danville, Va., alleging shipment by him, in violation of the Food and Drugs Act, from the State of Virginia into the State of Maryland—

(1) On March 21, 1911, of a quantity of dried peaches which were adulterated. The product bore no label. Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Worm-eaten peaches, 30 per cent; peaches with excreta on outside, 67 per cent; peaches with worms present, 3 per cent. Adulteration was alleged in the information for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

(2) On March 17, 1911, of a quantity of dried blackberries which were adulterated. This product bore no label. Examination of a sample of the product by the Bureau of Chemistry of this Department showed that it was a very poor looking product and badly worm-eaten; two live worms and one live beetle were present, and at least one-half of all the berries were worm-eaten. Adulteration was alleged in the information for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On April 12, 1912, the cases having come on for hearing before the court and jury, resulted in a mistrial, as the jury was unable to agree on a verdict.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 11, 1912.*