

13497. Adulteration and misbranding of jams, jelly, and preserves. U. S. v. F. P. Adams Co., Inc. Plea of nolo contendere. Fine, \$50.
(F. & D. No. 19308. I. S. Nos. 15362-v, 15363-v, 15365-v, 15366-v, 15372-v, 15373-v.)

On April 8, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. P. Adams Co. (Inc.), a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 12, 16, and 22, 1923, respectively, from the State of Massachusetts into the State of Rhode Island, of quantities of jams and jelly, and on or about December 2, 1923, from the State of Massachusetts into the State of New Hampshire, of quantities of preserves, all of which were adulterated and misbranded. The articles were labeled, variously, in part: "Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit And Refined Sugar Manufactured By F. P. Adams Co. Inc. Boston, U. S. A."; "Pure Apple Jelly"; and "Pure Food Strawberry" (or "Raspberry") "Preserve Made From Selected Fruit and Refined Sugar."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they were composed in part of glucose and added pectin.

Adulteration of the articles was alleged in the information for the reason that glucose pectin fruit products had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit And Refined Sugar," with respect to the said jams, "Pure Apple Jelly," with respect to the said jelly, and "Pure Strawberry" (or "Raspberry") "Preserve Made From Selected Fruit and Refined Sugar," with respect to the said preserves, borne on the respective labels, were false and misleading, in that the said statements represented that the articles were pure strawberry or raspberry jams or preserves, made from selected fruit and refined sugar, or pure apple jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure strawberry or raspberry jams or preserves, made from selected fruit and refined sugar, or pure apple jelly, as the case might be, whereas they were not but were mixtures composed in part of glucose and added pectin.

On April 27, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

13498. Adulteration and misbranding of assorted preserves. U. S. v. 89 Cases and 91 Cases of Preserves. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19528. I. S. Nos. 23159-v to 23163-v, incl. S. No. C-4620.)

On January 26, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 180 cases of assorted preserves, remaining in the original unbroken packages at Wichita, Kans., alleging that the articles had been shipped by the Goodwin Preserving Co., from Louisville, Ky., on or about October 28, 1924, and transported from the State of Kentucky into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "O B Brand Cherry" (or "Strawberry" or "Raspberry" or "Blackberry" or "Peach" or "Pineapple") "Preserves With Apple Pectin Contents 2 Lbs., 12 Ozs." (or "Contents 14½ ozs.") "Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A."

Adulteration of the articles was alleged in the libel for the reason that an acidified compound, cherry (or strawberry, raspberry, blackberry, peach, or pineapple, as the case might be) and pectin preserve, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the statements "Strawberry" (or "Cherry" or "Raspberry" or "Blackberry" or "Peach" or "Pineapple", as the case might be) "preserves," borne on the labels, were false and misleading and deceived and misled the purchaser, and the said statements were not corrected by the inconspicuous statement "Apple Pectin." Misbranding was alleged for the further reason that the articles were imita-

tions of and offered for sale under the distinctive names of other articles, for the further reason that they contained added tartaric acid, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 4, 1925, the Goodwin Preserving Co., Louisville, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that they be relabeled to show their true contents.

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

13499. Adulteration of butter. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 18476 I. S. No. 8876-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Sherman White & Co., a corporation, Fort Wayne, Ind., charging shipment by said company, in violation of the food and drugs act, on July 20, 1923, from the State of Indiana into the State of Ohio, of a quantity of butter which was adulterated. The article was labeled in part: "Delft Fancy Creamery Butter * * * Manufactured by Sherman White & Co. Ft. Wayne, Ind."

Analysis of 3 samples of the article by the Bureau of Chemistry of this department showed an average of 16.38 per cent of moisture and 78.99 per cent of milk fat.

Adulteration of the article was charged in the indictment for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On June 3, 1925, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

13500. Adulteration of butter. U. S. v. Schlosser Bros. Pleas of guilty. Fines, \$225 and costs. (F. & D. Nos. 18475, 19608. I. S. Nos. 1056-v, 12657-v, 12661-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid two indictments against Schlosser Bros. (Inc.), a corporation, Frankfort, Ind., charging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on June 12, 1923, and August 5, 1924, respectively, from the State of Indiana into the State of Maryland, of quantities of butter which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in milk fat and in one shipment it also contained excessive moisture.

Adulteration of the article was charged in substance in the indictments for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923. Adulteration was further charged in one of the indictments for the reason that a product containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On June 3, 1925, pleas of guilty to the indictments were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$225, together with the costs.

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