

3905. Misbranding of jams and jellies. U. S. v. McMechen Preserving Co. Pleas of guilty.

Fine, \$20. (F. & D. No. 4754. I. S. Nos. 36210-e, 36211-e, 36213-e, 36216-e.)

On May 6, 1913, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district four informations against the McMechen Preserving Co., a corporation, Wheeling, W. Va., alleging shipment by said company, in violation of the Food and Drugs Act, in December, 1911, from the State of West Virginia into the State of Virginia, of quantities of two brands of jam and of two brands of jelly which were misbranded.

One of the brands of jelly was labeled: "Fort Henry Brand Compound Jelly Flavor Imitation Quince Extract Trace, Apple Juice 33%, Corn Syrup 67%, Phosphoric Acid 1/5 of 1%, Benzoate of Soda 1/10 of 1%. McMechen Preserving Co., Wheeling, W. Va., U. S. A."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Total solids (per cent).....	65.92
Ash (per cent).....	0.84
Phosphoric acid (per cent).....	0.34
Polarization, direct, at 27° C. (°V.).....	+97.4
Polarization, invert, at 27° C. (°V.).....	+96.8
Polarization at 87° C. (°V.).....	+97.2
Sucrose, Clerget (per cent).....	0.46
Glucose (factor, 163) (per cent).....	59.63
Invert sugar, before inversion (per cent).....	33.24
Invert sugar, after inversion (per cent).....	33.73
Total sugar as sucrose + invert (per cent).....	33.70
Nonsugar solids (per cent).....	32.22
Benzoate of soda (per cent).....	0.18

One of the brands of jam was labeled: (Main label) "Parker House Brand Compound Jam made from Corn Syrup 60%, Apple Juice 20%, Benzoate of Soda 1/10 of 1%, Fruit 20%. McMechen Preserving Co., Wheeling, W. Va., U. S. A." (Neck label) "Quality Reliable 20% Strawberries."

Analysis of samples of this product by said Bureau of Chemistry showed the following result:

Benzoate of soda (per cent).....	0.16
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The other brand of jam was labeled: (Main label) "Parker House Brand Compound Jam made from Corn Syrup 60%, Apple Juice 20%, Benzoate of Soda 1/10 of 1%, Fruit 20%. McMechen Preserving Co., Wheeling, W. Va., U. S. A." (Strip label) "Reliable 20% Raspberries Quality."

Analysis of samples of this product by said Bureau of Chemistry showed the following result:

Benzoate of soda (per cent).....	0.17
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The other brand of jelly was labeled: "Elmwood Brand Jelly Mixture Apple Juice 33%, Imitation Strawberry Extract Trace, Corn Syrup 67%, Phosphoric Acid 1/5 of 1%, Carmine Lake Trace, Benzoate of Soda 1/10 of 1%. McMechen Preserving Co., Wheeling, W. Va., U. S. A."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Ash (per cent).....	0.82
Total solids (per cent).....	63.72
Phosphoric acid (per cent).....	0.32
Polarization, direct, at 27 °C. (°V.).....	+94.8
Polarization, invert, at 27° C. (°V.).....	+94.8
Polarization, at 87° C. (°V.).....	+95.2
Sucrose, Clerget (per cent).....	0.0
Glucose (factor, 163) (per cent).....	58.40
Invert sugar, before inversion (per cent).....	34.46
Invert sugar, after inversion (per cent).....	34.46
Total sugar as sucrose + invert (per cent).....	34.46
Nonsugar solids (per cent).....	29.26
Benzoate of soda (per cent).....	0.18

Misbranding of the jellies was alleged in two of the informations for the reason that they were labeled as containing one-fifth of 1 per cent phosphoric acid, and as containing one-tenth of 1 per cent benzoate of soda, when in fact they contained more than those amounts shown on the label. Misbranding of the jams was alleged in the other two informations for the reason that they were labeled as containing one-tenth of 1 per cent benzoate of soda, when in fact they contained more than that amount.

On May 5, 1914, the defendant company entered pleas of guilty to the four informations and the court imposed a fine of \$5 on each information, making an aggregate fine of \$20.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*