

(N. J. 87.)

MISBRANDING OF EVAPORATED APPLES.

(AS TO QUALITY.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* The Bruns Brothers Grocery Company, of Cincinnati, Ohio, a prosecution under sections 2 and 9 of the aforesaid act for the shipment by R. B. Henley & Co., of Cincinnati, Ohio, from said city and State to Illinois of misbranded dried apples which had been sold to said Henley & Co. by said The Bruns Brothers Grocery Company under the guaranty provided for by section 9 of said act, lately pending in the district court of the United States for the southern district of Ohio, wherein, on January 16, 1909, the said The Bruns Brothers Grocery Company entered a plea of guilty and was sentenced by the court to pay a fine of one dollar, and the costs of the prosecution amounting to \$14.20.

The dried apples were contained in packages labeled "Empire Brand Choice Funsten Evaporated Apples. One Pound. Made from best selected apples. Are healthful, delicious, and most desirable for family use. Choice Evaporated Apples. Made from best selected apples," and were misbranded within the meaning of section 8 of the Food and Drugs Act in that these statements were largely false, misleading, and deceptive because the dried apples were not prepared from choice or best selected apples, but from ordinary drying stock, containing a large amount of inferior, worm-eaten, and insufficiently trimmed pieces.

The facts in the case were as follows:

On January 30, 1908, an inspector of the Department of Agriculture purchased from George R. Liston, Olney, Ill., samples of an article of food contained in packages labeled "Empire Brand Choice Funsten Evaporated Apples. One Pound. Made from best selected apples. Are healthful, delicious, and most desirable for family use. Choice Evaporated Apples. Made from best selected apples." These samples were part of a lot of dried apples shipped by R. B. Henley & Co. from Cincinnati, Ohio, to said Liston. The goods so shipped had been purchased by said Henley & Co. from The Bruns Brothers Grocery Company in Cincinnati, Ohio, and the invoice covering the said sale by the said The Bruns Brothers Grocery Company contained the following guaranty: "Articles on this invoice guaranteed under the Pure Food and Drugs Act, June 30, 1906." The samples were duly submitted to examination in the Bureau of Chemistry of the United States Department of Agriculture and it was found that they were prepared from ordinary drying stock,

contained a large quantity of worm-eaten pieces, and were not sufficiently trimmed. It was thus apparent that they were misbranded within the meaning of section 8 of the Food and Drugs Act, and in compliance with section 4 of the act, the Secretary of Agriculture accorded hearings to said Liston and the said Henley & Co. At the hearing, Henley & Co. established the aforesaid guaranty from The Bruns Brothers Grocery Company. No evidence was adduced to show any fault or error in the examination by the Department, and, on November 20, 1908, the Secretary of Agriculture reported the facts to the Attorney-General, who referred them to the United States attorney for the southern district of Ohio. Information was duly filed by the said United States attorney, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 29, 1909.*

(N. J. 88.)

ADULTERATION OF MILK.

(ADDED WATER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgments of the court in the following cases:

United States *v.* Howard Griffith,
United States *v.* Patrick B. Holt,
United States *v.* Philip Hettenkemer,
United States *v.* George A. Wise,
United States *v.* John Allen,
United States *v.* Frank E. Altemus,
United States *v.* Albert Schapiro,
United States *v.* William W. Whitehead,
United States *v.* William A. Sanger,
United States *v.* Soul Berman,
United States *v.* Charles E. Vernon,
United States *v.* Charles Harbin,
United States *v.* Frank Mace,
United States *v.* Julia Poore,