

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 488, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED BLUEBERRIES.

(UNDER WEIGHT.)

On or about August 20 and September 10, 1908, Jasper Wyman & Son, Millbridge, Me., shipped from the State of Maine to the State of Massachusetts two consignments of canned blueberries, aggregating 150 cases, each of which cases were labeled "2 Doz. 2-lb. Cans. Wyman's Fancy Blueberries. Jasper Wyman & Son, Millbridge, Me." Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

In due course a libel was filed in the District Court of the United States for said district against said 150 cases, charging the above shipment and alleging the product to be misbranded within the meaning of the act, in that the contents of said packages were stated thereon in terms of weight but were not correctly stated on the outside of said packages. The label above quoted represented each can to contain 2 pounds, when as a matter of fact the contents of each can weighed about 1 pound and 8 ounces, and praying seizure, condemnation, and forfeiture of the product. Whereupon said Jasper Wyman & Son filed a claim to the product, admitting the allegations to the libel, and agreed that a decree of forfeiture for such branding should be entered by the court, but praying that the merchandise in question be delivered to them upon the giving of a bond to be approved by the court, conditioned that in the event of the delivery of

such goods to them, they should not be sold or otherwise disposed of contrary to law.

The case coming on for hearing, the court entered a decree sustaining the allegations of the libel and ordering that upon payment of the cost of libel proceedings and upon the execution and delivery of a bond of \$300, conditioned that said 150 cases should not be sold or otherwise be disposed of contrary to law, said cases be delivered to the claimant. The costs having been paid and bond filed by the claimant in accordance with said decree, the 150 cases were delivered to them.

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

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 25, 1910.*

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