

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1038.

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

ADULTERATION AND MISBRANDING OF PRESERVED PEACH, APPLE, AND SUGAR.

At the November term of court, 1910, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States against the St. Louis Syrup and Preserving Co., a corporation, of St. Louis, Mo., alleging shipment by that company, in violation of the Food and Drugs Act, on or about September 22, 1909, from the State of Missouri into the State of Iowa, of a quantity of so-called "Preserved Peach, Apple and Sugar," which was adulterated and misbranded. The product was labeled: "Preserved Peach Apple and Sugar No preservative No coloring—Gold Seal Brand Preserved Fruits Guaranteed by us to comply with the Food and Drugs Act June 30, 1906. Serial No. 8563. St. Louis Syrup and Preserving Co. St. Louis."

Analysis of the product made by the Bureau of Chemistry of this Department showed it to contain between 23 and 36 per cent commercial glucose. The information, therefore, alleged adulteration of the product in that another substance than peach, apple and sugar, viz, commercial glucose, had been added to and substituted in part for the article described on the label, and that said substance had been mixed and packed with the product so as to reduce and lower and injuriously affect the quality and strength of the article. Misbranding was alleged in the information because the product was labeled and branded "Preserved Peach, Apple and Sugar," which form of branding and labeling is calculated to deceive and mislead the purchaser into the belief that the product consisted wholly of peach, and apple and sugar, whereas, in fact, the product contained a large amount of another and different substance, viz, commercial glucose, which substance was not stated upon the label.

On May 29, 1911, the defendant pleaded guilty and was fined \$10 on each count, totalling \$20 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., August 3, 1911.