

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1302.

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

ADULTERATION AND MISBRANDING OF STRAWBERRY PRESERVES.

On May 12, 1911, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, praying condemnation and forfeiture of 10 thirty-pound pails of strawberry preserves, found on the premises No. 137 Royal Street in the city of New Orleans. The product was labeled, on the side of the pails: "Pure Fruit Preserves—Strawberry—Preserved with 1/10% benzoate of soda—Alonzo A. Knights and Son Corporation, 87 and 89 Commercial St., Boston", and on top of the pails: "30 net Strawberry Preserves with 1/10 of 1% of benzoate of soda—Anthony Fabacher—New Orleans, La."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain 16 per cent of glucose. The libel alleged that the product, after shipment from the State of Massachusetts into the State of New York and from the State of New York into the State of Louisiana, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that said product was represented to be pure, genuine strawberry preserves, when in fact there had been mixed with said preserves 16 per cent of glucose, so as to lower and injuriously affect its quality and strength, and there had been substituted in part for the genuine and pure strawberry preserves, 16 per cent of glucose. Misbranding was alleged for the reason that the statements on the label were false and misleading in this, that they represented the said preserves to be pure, genuine strawberry preserves when, in fact, they were not genuine, pure strawberry preserves, but contained 16 per cent glucose, which fact was not indicated on the labels, and for the further reason that said product was an imitation of, and offered for sale under, the distinctive name of

another article, to wit, genuine, pure strawberry preserves, when in fact it was not such, and the statements on the label were therefore calculated to deceive and mislead the purchaser.

On May 17, 1911, the case coming on for hearing, and Alonzo A. Knights & Son having appeared as claimants and filed answer admitting the misbranding of the product as alleged in the libel, the court entered a decree condemning and forfeiting the product to the United States and ordering its destruction, but with the proviso that the same might be released to the claimants upon the payment by them of all costs and the giving of a good and sufficient bond in a sum to be approved by the court, conditioned that the said product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*

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