

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1584.

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

MISBRANDING OF TOMATO PRESERVES COMPOUND AND OF PLUM PRESERVES COMPOUND.

At the November, 1910, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Bessire & Co., a corporation, Indianapolis, Ind., alleging the shipment by it in violation of the Food and Drugs Act—

(1) On November 11, 1909, from the State of Indiana into the State of Ohio, of a consignment of tomato preserves packed in closed cans, which were misbranded. The product was labeled: "Bessire & Company's Tomato Preserves Compound. Tomatoes 25 per cent; Apple Sauce 25 per cent; Corn syrup 50 per cent. Serial number 6104. Indianapolis—Louisville."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids, 73.6 per cent; nonsugar solids, 36.7 per cent; sucrose, Clerget, 0.90 per cent; reducing sugars as invert, 36 per cent; commercial glucose (factor 163), 83.43 per cent; polarization direct, temperature 20° C., +142.2; polarization invert, temperature 20° C., +141.0; polarization invert, 87° C., +136.0; ash, 0.61 per cent; added phosphoric acid, none; test for salicylic and benzoic acids and saccharin, negative; test for coal tar color, negative.

(2) On December 11, 1909, from the State of Indiana into the State of Ohio of a consignment of plum preserves, packed in closed cans, which were misbranded. The product was labeled: "Bessire and Company's Plum Preserves, Compound, Fruit 25%, Apple Sauce 25%, Corn Syrup 50%; Serial No. 6104, Indianapolis, Louisville."

An analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Solids, 71.8 per cent; nonsugar solids, 34.9 per cent; sucrose, Clerget, 1.81 per cent; reducing sugars as invert, 35.12 per cent; commercial glucose (factor 163), 74.84 per cent; polarization direct, temperature 20° C., + 126.8; polarization invert, temperature 20° C., + 124.4; polarization invert 87° C., + 122.0; ash, 0.59 per cent; added phosphoric acid, none; test for salicylic and benzoic acids and saccharine, negative; test for coal tar color, positive; the color, on wool, gives the reactions of amaranth.

Misbranding of the products was charged in the indictment for the reason that the statement 50 per cent corn syrup so printed on the labels regarding the ingredients and substances contained in the cans or packages was false and misleading in that the ingredients and substances contained therein did not contain 50 per cent of corn syrup, and, in truth and in fact, contained a much greater per cent of corn syrup, to wit, 83.43 per cent of corn syrup in the consignment of tomato preserves compound and 74.84 per cent of corn syrup in the consignment of plum preserves compound.

On October 20, 1911, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$100 and costs. The second shipment was made November 11, 1909, while it was alleged in the indictment to have been made December 11, 1909.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1912.*

