

United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

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**NOTICE OF JUDGMENT NO. 1622.**

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

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**ADULTERATION AND MISBRANDING OF APPLE AND CURRANT JELLY  
AND APPLE AND LOGANBERRY JELLY.**

At a stated term of the District Court of the United States in and for the Northern District of California the grand jurors for said district, acting upon a report by the Secretary of Agriculture, returned an indictment on June 7, 1911, against E. W. Oest Co., a corporation, San Francisco, Cal., charging the sale by it, on October 26, 1909, under a written guarantee to Sussman Wormser & Co., a corporation, San Francisco, Cal., of a quantity of so-called apple and currant and apple and loganberry jelly which was adulterated and misbranded within the meaning of the Food and Drugs Act, and the shipment by said Sussman Wormser & Co., on or about August 22, 1910, in the original unbroken packages of consignments of said products from the State of California into the State of Arizona.

The so-called apple and currant jelly was labeled: "Oest's California Fruits. Pure Fruit Jelly. Apple and Currant Made of Pure Cane Sugar, Apple and Currant Juice. San Francisco, Cal." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: No iodine reaction. Dead yeast cells 40,000,000 per cc. Recrystallized sugar present. Centrifugalized sediment shows yeast, some mold, fruit pulp cells, and vegetable fibre. No trace of characteristic currant tissue. Not fit for consumption. The so-called apple and loganberry jelly was labeled: "Oest's California Fruits. Pure Fruit Jelly. Apple and Loganberry. Made of Pure Cane Sugar, Apple and Loganberry Juice. San Francisco, Cal." Analysis of a sample of this product made by the Bureau of Chemistry of this Department showed the following results: No iodine reaction. Dead yeast cells 30,000,000 per cc. Very

few bacteria. Some mold. Centrifugalized sediment shows yeast, vegetable fiber, and fruit pulp cells present. No loganberry trichomes present. Not fit for consumption.

Adulteration of these products was alleged in the indictment for the reason that they consisted in part of a filthy, decomposed, or putrid vegetable substance and as such were unfit for human consumption. Misbranding was alleged in the indictment for the reason that the labels on each of the jars of so-called pure fruit jelly were false and misleading in that they gave and would give to the purchasers of said products the impression that they were pure fruit jellies and made from the juice of apples and currants, or from the juice of apples and loganberries; whereas, in truth and in fact, the products contained little or no currant, apple, loganberry, or other fruit juice, and were imitations of pure fruit jellies.

On December 12, 1911, the defendant company filed a demurrer to the indictment, which was overruled on February 3, 1912, and thereupon a plea of not guilty was entered. On April 5, 1912, the case was tried before a jury and the defendant was found guilty as charged in the indictment, and on April 6, 1912, the court imposed a fine of \$200.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 20, 1912.*

