

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1777.

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

MISBRANDING OF FIG PRUNE CEREAL.

At a stated term of the District Court of the United States for the Northern District of California, begun and held at San Francisco, Cal., on the second Monday in July, 1909, 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 the Fig Prune Cereal Co., a corporation, San Jose, Cal., charging shipment by said company, in violation of the Food and Drugs Act, on October 29, 1908, from the State of California into the State of New York of a quantity of fig prune cereal which was misbranded. The product was labeled: "54% Fruit; 46% grain; net weight 20 oz. Guaranteed under the Food and Drugs Act June 30, 1906, Serial No. 9207."

Microscopical examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Figs, 25 per cent; prunes, 20 per cent; cereals (cracked), 25 per cent; bran, 20 per cent; cereal chaff, 10 per cent. Misbranding was alleged in the indictment for the reason that each of the cartons of the product was labeled as set forth above, whereas, in truth and in fact, each carton or package did not contain 54 per cent of fruit and 46 per cent of grain, but contained a much larger proportion of grain than of fruit and whereas, in truth and in fact, the net weight of each of the cartons or packages was not 20 ounces, but considerably less than 20 ounces.

On October 9, 1909, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$100.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 25, 1912.*

