

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1788.

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

MISBRANDING OF LEKVAR (COMPOUND OF PRUNES AND GLUCOSE).

On May 8, 1912, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Caruthers-Terry Preserving Co., a corporation, Akron, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 31, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of a food product called "Lekvar," which was misbranded. The product was labeled: "Hungarian Style Epicurean Brand Lekvar Compound of Pure Dry Prunes and Glucose. The Caruthers-Terry Preserving Co., Akron Ohio. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 10693. Reg. U. S. Pat. Off. Prepared with 1-20th of 1% of Benzoate of Soda to prevent souring."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Commercial glucose (factor 163), 53; polarization invert temperature 20° C., 84; polarization invert 87° C., 86.4; sodium benzoate, 0.10 per cent; Microscopical examination did not show apple pulp to be present. Misbranding was alleged in the information for the reason that the label and brand upon the product was false and misleading in that the product was labeled "prepared with 1-20th of 1% of benzoate of soda," whereas in truth the product contained a greater amount of benzoate of soda, to wit, one-tenth of one per cent. Misbranding was alleged for the further reason that the product was branded and labeled so as to deceive and mislead the purchaser into the belief that the product contained one-twentieth of one per cent benzoate of soda, whereas, in truth and in fact, it contained a greater amount of said ingredient, to wit, one-tenth of one per cent.

On May 29, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 27, 1912.*

