

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2398.

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

MISBRANDING OF PRESERVES.

On January 26, 1912, the United States Attorney for the Eastern District of Missouri, 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 St. Louis Syrup & Preserving Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 7, 1910, from the State of Missouri into the State of Wisconsin, of a quantity of preserved fruit which was misbranded. The product was labeled: "Premium Brand. Average net weight 36 oz. * * * Preserved Fruits Blackberry-Apple Contains Added Phosphate St. Louis Syrup & Preserving Co., St. Louis, Mo."

Examination of three samples of the product made by the Bureau of Chemistry of this Department showed the following weights: No. 1, 34½ ounces; shortage, 4.2 per cent. No. 2, 35¼ ounces; shortage, 2.1 per cent. No. 3, 34⅞ ounces; shortage, 3.1 per cent. Average weight of three packages, 34⅞ ounces; average shortage, 3.1 per cent. Misbranding of the product was alleged in the information for the reason that the label thereon regarding the article, to wit, "Average net weight 36 oz.", was false and misleading, in that said statement would deceive and mislead the purchaser into the belief that the product contained in each of the packages was 36 ounces in weight, whereas, in truth and in fact, it did not weigh 36 ounces net but materially less than 36 ounces net, and the product was further misbranded in that it was shipped in package form and the contents of each package was stated in terms of weight as follows: "Average net weight 36 oz.", whereas the weight of the contents of each of the packages was not plainly and correctly stated on the outside thereof for the reason that each of the packages contained a materially less

amount of the product than 36 ounces net weight and the average shortage of the three packages was 3.1 per cent.

On January 10, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

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