

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained glucose and added phosphoric acid or compounds thereof.

Adulteration of the articles was alleged in the information for the reason that substances, to wit, glucose or starch sugar and phosphoric acid or compounds thereof, had been substituted in whole or in part for fruit preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Fruit Preserves \* \* \* Combination of 55% Granulated Sugar 14% Peaches" (or "Raspberries," "Plums," "Strawberries," or "Blackberries") "31% Apple Juice," borne on the labels attached to the jars containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that said articles were fruit preserves and that they were combinations of 55 per cent of granulated sugar, 14 per cent of peaches, raspberries, plums, strawberries, or blackberries, as the case might be, and 31 per cent of apple juice, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said articles were fruit preserves and that they were combinations of 55 per cent of granulated sugar, 14 per cent of peaches, raspberries, plums, strawberries, or blackberries, as the case might be, and 31 per cent of apple juice, whereas, in truth and in fact, they were not, but were mixtures composed in part of glucose or starch sugar and added phosphoric acid or compounds thereof.

On May 11, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9557. Adulteration of frozen chickens. U. S. \* \* \* v. Arthur L. Fuller, John Schalker, jr., Sam Porter, and Fred Potter (Fuller Produce Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 12325. I. S. No. 5767-r.)**

On August 24, 1920, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur L. Fuller, John Schalker, jr., Sam Porter, and Fred Potter, trading as the Fuller Produce Co., Leavenworth, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about April 10, 1919, from the State of Kansas into the State of Missouri, of a quantity of frozen chickens which were adulterated.

Examination of the consignment by the Bureau of Chemistry of this department showed appearances ranging from good to very dark green, generally very dark with offensive odor, indicating decomposition. Examination of 50 chickens representing the lot showed that approximately 60 per cent in frozen state were in whole or in part decomposed and absolutely unfit for food; the balance were seriously contaminated and would show decomposition in more or less degree on thawing out. Many chickens were rotten, soft, and slimy in a temperature of 12° F. above zero for 96 hours. Others showed evidence of having spoiled before last freezing.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On October 12, 1920, the defendants entered pleas of guilty to the information, and the court imposed fines of \$25 each and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*