

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11851-11900.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 6, 1924.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11851. Adulteration and misbranding of tomato catsup and strawberry preserve and misbranding of fruit jams. U. S. v. S. J. Van Lill Co., a Corporation. Plea of guilty. Fine, \$450 and costs. (F. & D. No. 17134. I. S. Nos. 226-v, 1313-v, 1314-v, 1318-v, 1330-v, 1331-v, 1332-v, 1333-v, 1401-v, 1502-v, 3105-v.)

On July 6, 1923, the United States attorney for the District of Maryland, 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 S. J. Van Lill Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 17, 19, and 27, 1922, respectively, from the State of Maryland into the States of Rhode Island, New York, and Virginia, respectively, of quantities of tomato catsup which was adulterated, on or about July 22 and 27, 1922, respectively, from the State of Maryland into the State of Virginia, and on or about July 27, 1922, from the State of Maryland into the State of Florida, of quantities of tomato catsup which was misbranded, on or about August 1, 1922, from the State of Maryland into the State of Virginia, of various quantities of fruit jams which were misbranded, and on or about August 1, 1922, from the State of Maryland into the State of Virginia, of a quantity of strawberry preserve which was adulterated and misbranded. The catsup was labeled in part, variously: (Can) "Somerset Club Brand Catsup Contents 6 Lbs. 6 Ozs.;" "Astoria Brand Tomato Catsup * * * Contents 6 Lbs. 6 Ozs. S. J. Van Lill Co. Packers Baltimore, Md.;" (bottle) "Astoria Brand Contents 9 Ozs. Avdp. Pure Tomato Catsup S. J. Van Lill Co. Baltimore, Md." The fruit jams were labeled in part: (Jar) "Table Delicacies Pure Fruit Jam" (design of various fruits) "Blackberry-Apple" (or "Pineapple-Apple," "Peach-Apple," or "Damson-Apple") "Contents 12 Ozs. Prepared By S. J. Van Lill Co. Baltimore, Md." The strawberry preserve was labeled in part: (Jar) "Calvert Brand Weight, 2 Lbs. 11 Ozs. Net Preserve Strawberry."

Examination by the Bureau of Chemistry of this department of samples from the Somerset Club brand catsup and that portion of the Astoria brand catsup contained in cans showed a high mold count, indicating that an excessive quantity of decomposed or moldy tomatoes had been used in its preparation. Examination by said bureau of the portion of the Astoria brand catsup contained in bottles showed that the said bottles contained from 3 to 1 per cent less than the declared contents. Examination of the jams by said bureau showed that the said jars contained from 5.7 to 9.9 per cent less than the declared contents. Examination of the alleged strawberry preserve by

said bureau showed that it was an imitation strawberry preserve, consisting essentially of glucose, with some sugar, apple products, and strawberry fruit, artificially colored with red coal-tar dye.

Adulteration of the Somerset Club brand catsup and that portion of the Astoria brand catsup contained in cans was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid vegetable substance.

Adulteration of the alleged strawberry preserve was alleged for the reason that an imitation product, artificially colored, had been substituted in whole or in part for, to wit, strawberry preserves, which the said article purported to be.

Misbranding of the alleged strawberry preserve was alleged for the reason that the statement, to wit, "Preserve Strawberry," borne on the labels attached to the jars containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article was composed wholly of preserve strawberry, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of preserve strawberry, whereas, in truth and in fact, it did not so consist but did consist in whole or in part of an imitation product, artificially colored. Misbranding was alleged for the further reason that it was a product other than preserve strawberry, artificially colored and prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, preserve strawberry.

Misbranding of the portion of the Astoria brand catsup contained in bottles was alleged for the reason that the statement, to wit, "Contents 9 Ozs. Avdp.," borne on the labels attached to the bottles containing the article, regarding the said article, was false and misleading, in that it represented that each of the said bottles contained 9 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said bottles contained 9 ounces of the said article, whereas, in truth and in fact, each of said bottles did not contain 9 ounces of the article but did contain a less amount. Misbranding of the said portion of the Astoria brand catsup was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the fruit jams was alleged for the reason that the statement, to wit, "Contents 12 Ozs.," borne on the labels attached to the jars containing the article, regarding the said article, was false and misleading, in that it represented that each of the said jars contained 12 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said jars contained 12 ounces of the article, whereas, in truth and in fact, each of said jars did not contain 12 ounces of the article but did contain a less amount. Misbranding of the said fruit jams was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 11, 1923, a plea of guilty to the information was entered by the defendant company, and the court imposed a fine of \$450 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11852. Adulteration and misbranding of butter. U. S. v. 200 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17658. I. S. No. 6678-v. S. No. C-4069.)

On July 17, 1923, 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 a libel praying the seizure and condemnation of 200 cases of butter, remaining unsold in the original unbroken packages at St. Louis, Mo., consigned by John H. Stelle, from McLeansboro, Ill., alleging that the article had been shipped from McLeansboro, Ill., on or about June 7, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "One Pound Net Gold Label Butter * * * McLeansboro Creamery Co. McLeansboro, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed with and substituted wholly or in part for the said article. Adulteration was alleged