

On August 30, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the production be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16081. Adulteration and misbranding of crabapple jelly, grape jelly, and cherry preserve. U. S. v. White Gate Products Co. Plea of guilty. Fine, \$120. (F. & D. No. 22582. I. S. Nos. 7392-x, 7395-x, 7396-x.)**

On or about October 22, 1928, the United States attorney for the Southern District of New York, 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 White Gate Products Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, from the State of New York into the State of Virginia, on or about May 12, 1926, of quantities of crabapple jelly and grape jelly, and on or about May 14, 1926, and October 18, 1926, respectively, of quantities of cherry preserve, which said products were adulterated and misbranded. The articles were labeled in part: "Pure Crabapple Jelly (or "Pure Grape Jelly" or "Pure Cherry Preserve") The White Gate Products Co., N. Y. C."

Adulteration of the crabapple jelly and the grape jelly was alleged in the information for the reason that acidified pectin jellies deficient in fruit juice had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said articles and had been substituted in part for pure crabapple jelly and pure grape jelly, respectively, which the articles purported to be. Adulteration was alleged with respect to the said crabapple jelly and grape jelly for the further reason that they were mixed and colored in a manner whereby damage and inferiority were concealed. Adulteration of the cherry preserve was alleged for the reason that a substance, to wit, added acidified pectin jelly, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure cherry preserve, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Pure Crabapple Jelly," "Pure Grape Jelly," and "Pure Cherry Preserve," borne on the glass jars containing the respective articles, were false and misleading in that said statements represented that the articles were pure crabapple jelly, pure grape jelly, or pure cherry preserve, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure crabapple jelly, pure grape jelly, or pure cherry preserve, as the case might be, whereas they were not; but the said crabapple jelly and grape jelly were products composed in part of acidified pectin jelly deficient in fruit juice, and the said cherry preserve was a product composed in part of added acidified pectin jelly. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On November 19, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$120.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16082. Misbranding of tomato catsup. U. S. v. 18 Cases of Tomato Catsup. Consent decree of condemnation and destruction entered. (F. & D. No. 22956. I. S. No. 01928. S. No. 1024.)**

On August 3, 1928, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cases of tomato catsup, remaining unsold in the original packages at Des Moines, Iowa, alleging that the article had been shipped by the Morgan Packing Co., from Austin, Ind., on or about June 23, 1928, and transported from the State of Indiana into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Scott Co. Brand Tomato Catsup, Morgan Packing Co., Austin, Ind."

It was alleged in substance in the libel that artificial coloring was present in the article, and that it was misbranded in that the designation "Tomato Catsup" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.