

24708. Adulteration and misbranding of coffee. U. S. v. Interstate Coffee Co. Plea of guilty. Fine, \$100. (F. & D. no. 32896. Sample nos. 35383-A, 35385-A.)

This case was based on an interstate shipment of coffee that contained added chicory and cereal.

On September 26, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Coffee Co., a corporation, Natchez, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13 and November 22, 1933, from the State of Mississippi into the State of Louisiana of quantities of alleged coffee which was adulterated and misbranded. A portion of the article was labeled: "Special. Rio. A1. Roasted and Packed by Interstate Coffee Co. Natchez, Mississippi." The remainder of the said article was labeled: "I. X. L. Blend * * * Interstate Coffee Co. Natchez, Miss." Both shipments were billed as coffee.

The article was alleged to be adulterated in that undeclared substances, chicory and a large proportion of cereal, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged with respect to a portion of the product for the reason that the statements, "Special Rio A1 * * * Roasted And Packed By Interstate Coffee Co., * * * 30-Lbs Net Md.", borne on the drum containing the article, were false and misleading in that the said statements represented that the product in each drum consisted solely of 30 pounds of coffee, that is 30 pounds special, Rio type, first-class coffee, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article in the said drums did not consist solely of 30 pounds of coffee, but did consist in part of approximately 25 percent of undeclared cereal and some chicory. Misbranding was alleged with respect to both lots for the reason that the article consisted of a mixture of cereal, coffee, and some chicory, and was offered for sale under the distinctive name of another article, namely, coffee, and for the further reason that it was a compound in imitation of another article, namely, coffee, and was not labeled so as to indicate plainly that it was a compound or imitation.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

24709. Adulteration and misbranding of jellies. U. S. v. Cruikshank Bros. Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33805. Sample nos. 42363-A, 42364-A, 42365-A, 43574-A to 43577-A, incl., 43579-A.)

This case was based on interstate shipments of jellies that were deficient in fruit juices, and that contained added pectin.

On December 12, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cruikshank Bros. Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 6 and June 20, 1933, from the State of Pennsylvania into the State of Ohio, and on or about September 6, 1933, from the State of Pennsylvania into the State of New Jersey of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Cruikshank Cru Bro Currant [or "Cherry", "Blackberry", "Strawberry", or "Raspberry"] Jelly * * * Cruikshank Bros. Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that an added substance, namely, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and in that mixed substances, namely, pectin and fruit jellies deficient in fruit juices, and containing more pectin than fruit jellies contain, had been substituted for current jelly, cherry jelly, blackberry jelly, strawberry jelly, and raspberry jelly, which the articles purported to be. Adulteration was alleged for the further reason that pectin and fruit jellies had been mixed in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Currant Jelly", "Cherry Jelly", "Blackberry Jelly", "Strawberry Jelly", and "Raspberry Jelly", borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they were not currant, cherry, blackberry, strawberry, and raspberry