

Food and Drugs Act as amended. The articles were labeled in part: "King Arthur Pure Preserves Strawberry [or "Pineapple"] * * * Jas. E. Arthur & Son Distributors, Baltimore, Md."

The articles were alleged to be adulterated in that a mixture of sugar, acid, and pectin had been mixed and packed therewith so as to reduce or lower their quality; in that a mixture of fruit, sugar, acid, and pectin that contained less fruit and more sugar than preserves had been substituted for preserves, which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statement on the label, "Pure Preserves Strawberry" and "Pure Preserves Pineapple", were false and misleading and tended to deceive and mislead the purchaser when applied to products that resembled preserves but which contained less fruit than preserves, the deficiency in fruit having been concealed by the addition of acid, pectin, and excess sugar; and in that the articles were imitations of and offered for sale under the distinctive names of other articles.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

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

26026. Adulteration and misbranding of preserves. U. S. v. 25 Cases of Preserves. Default decree of condemnation. Product delivered to a public institution. (F. & D. no. 37381. Sample nos. 55517-B, 55518-B, 55519-B.)

This case involved shipments of blackberry, peach, and red raspberry preserves that were deficient in fruit and contained excess sugar. They also contained added pectin or acid or both added pectin and acid.

On or about March 19, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of blackberry, peach, and raspberry preserves at Detroit, Mich., alleging that the articles had been shipped during the month of January 1936, by the J. M. Smucker Co., from Orrville, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Quaker Pure Blackberry [or "Peach" or "Raspberry"] Preserves * * * Lee & Cady Distributors Michigan."

The articles were alleged to be adulterated in that a mixture of sugar and pectin in the case of the blackberry preserves, a mixture of sugar and acid in the case of the peach preserves, and a mixture of sugar, pectin, and acid in the case of the raspberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Peach Preserves", and "Pure Red Raspberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On May 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be delivered to a public institution.

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

26027. Misbranding of canned corn. U. S. v. 10 Cases and 400 Cases of Canned Corn. Consent decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 37383, 37582. Sample nos. 52799-B, 52949-B.)

These cases involved shipments of products sold as Country Gentleman corn of high quality. Examination showed that one lot was Country Gentleman corn of standard quality and that the other lot was corn of a broad-kernel variety of low quality.

On March 26 and April 11, 1936, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 410 cases of canned corn at Quincy, Ill., alleging that the article had been shipped in interstate commerce, in part on or about January 20, 1936, and in part on or about

March 5, 1936, by Otto Billman & Co., Inc., from Morristown, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ski-High Brand Country Gentleman Little Kernel Sugar Corn * * * High in Name and Quality * * * Packed by Otto Billman & Co., Inc., Morristown, Ind."

Adulteration was alleged with respect to one lot in that the statement on the label, "High in Quality", was false and misleading and tended to deceive and mislead the purchaser, since the product was not high in quality but was of standard quality. Adulteration was alleged with respect to the remaining lot in that the statements on the label, "Country Gentleman Little Kernel Sugar Corn * * * High in Quality", were false and misleading and tended to deceive and mislead the purchaser since the product was not Country Gentleman corn but was canned corn of one of the broad-kernel varieties and was of low quality. Misbranding of the latter lot was alleged for the further reason that it was offered for sale under the distinctive name of another article.

On May 5 and May 22, 1936, George Kiefer, Quincy, Ill., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled.

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

26028. Adulteration and misbranding of dog and cat food. U. S. v. 200 and 400 Cases of Dog and Cat Food. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37387. Sample no. 46878-B.)

These cases involved dog and cat foods which were represented to contain substantial amounts of fresh, lean, solid red meat and choice cuts of meat. Examination showed that they consisted chiefly of barley and carrots and that they contained some crushed bone and other substances. They contained approximately 2 percent of meat products.

On or about March 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dog and cat food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 24, 1936, by the Animal Foods Co., from San Jose, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipment consisted of two brands, labeled in part: "Bar-None Brand Food for Dogs & Cats * * * Packed by Bar-None Sales Co., San Jose, Calif."; "Favorite Dog and Cat Food * * * Packed by Animal Foods Company, San Jose, Calif."

The Bar-None brand was alleged to be adulterated in that barley and carrots with pieces of crushed bone and pieces of the stomachs of ruminants, a small amount of skeletal muscle and added water had been mixed and packed with the article so as to reduce or lower its quality; and in that said substances had been substituted for fresh, lean, solid red meat and choice cuts of fresh meat, which the article purported to contain. The Favorite brand was alleged to be adulterated in that barley, carrots, crushed bones, and added water had been mixed and packed with the article so as to reduce or lower its quality; and in that said substances had been substituted for fresh, lean, solid red meat and choice cuts of fresh meat, which the article purported to contain.

The article was alleged to be misbranded in that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product of the composition found: (Bar-None brand) "You know in advance what each can contains. Every ingredient of known quality and guaranteed in plain language. Guaranteed Ingredients. Fresh, lean, solid red-meat: cracked potted barley: meat-meal: bone-meal: carrots: wheat-bran and charcoal. The fresh meat used contains the choice cuts"; (Favorite brand) "This quality guarantee removes all doubt * * * Assures protection for your pets because every ingredient is shown in plain language. Made of fresh lean solid red-meat: cracked potted barley: meat-meal: bone-meal: carrots: wheat-bran and charcoal. The fresh meat used contains the choice cuts."

On May 19, 1936, claimant having appeared and filed an answer, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

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