

They were alleged to be misbranded in that they were imitations of preserves and had been offered for sale under the distinctive names of other articles, namely, damson, blackberry, peach, and apricot preserves, respectively; in that the statements on the labels, "Pure Damson Preserves," "Blackberry Preserves," "Peach Preserves," and "Apricot Pure Fruit Preserves," were false and misleading; and in that by reason of said statements they were labeled so as to deceive and mislead the purchaser.

On November 8, 1937, a plea of nolo contendere was entered, and the defendant was found guilty and fined \$75 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27929. Adulteration of preserves and jam. U. S. v. Salomo Food Products Co., a corporation, Jacob Postel, Jr., and William Hartman. Pleas of guilty. Corporation fined \$400. Individual defendants each fined \$100. (F. & D. No. 38581. Sample Nos. 52466-B to 52471-B, incl., 52729-B, 52730-B, 52748-B, 52782-B to 52789-B, incl., 52791-B to 52794-B, incl.)

Examination showed these products to contain glucose, added acid, added pectin, or excess water, one or more of said substances being present in all. With a few exceptions they contained less fruit and more sugar than preserves should contain.

On June 14, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Salomo Food Products Co., a corporation, Jacob Postel, Jr., and William Hartman, officers of the corporation, alleging shipment by said defendants between the dates of October 16, 1935, and March 28, 1936, from the State of Missouri into the States of Illinois and Iowa of quantities of preserves and jam that were adulterated.

The articles were labeled variously: "Lion Brand Pure * * * Preserves Manufactured by Salomo Food Products Co., St. Louis, Mo."; "Opal Brand Pure * * * Preserves * * * Packed For Charles Hewitt & Sons Co., Des Moines, Iowa"; "Golden Drip Brand Grape Jam [or "Preserves"] * * * Distributed By Empire Distributing Co., St. Louis, Mo."

The grape jam, the pineapple preserves, and part of the cherry and strawberry preserves were alleged to be adulterated in that glucose had been substituted in part for pure jam and preserves, which they purported to be. Two lots of the strawberry preserves were alleged to be adulterated in that added acid and glucose had been substituted in part for strawberry preserves in one instance; and in that a product deficient in fruit which contained excess sugar had been substituted for strawberry preserves in the other.

The remaining preserves were alleged to be adulterated in that excess water, added acid, glucose, or pectin—one or more of said substances being present in all—had been mixed and packed with them so as to reduce their quality; in that products deficient in fruit and containing excess sugar, excess water, added acid, glucose, or pectin—one or more being present in all—had been substituted for pure preserves, which they purported to be; and that articles inferior to pure preserves had been mixed with said substances so as to simulate the appearance of preserves and in a manner whereby their inferiority to preserves was concealed.

On October 5, 1937, the corporation entered a plea of guilty to all counts and the court imposed a fine of \$400. On the same date the individual defendants entered pleas of guilty to one count and were each fined \$100. The remaining counts were stricken as to the individual defendants.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27930. Adulteration of evaporated apples. U. S. v. Henry R. Gregg. Plea of guilty. Fine, \$50. (F. & D. No. 37938. Sample No. 55657-B.)

This product contained excessive moisture.

On August 24, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry R. Gregg, Rochester, N. Y., alleging shipment by said defendant on or about December 18, 1935, from the State of New York into the State of Illinois of a quantity of evaporated apples that were adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that partially evaporated apples had been mixed and packed with and substituted wholly or in part for evaporated apples, which it purported to be.