

MISBRANDING OF CANNED PEACHES.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of October, 1908, in the district court of the United States for the western district of Oklahoma, in a criminal prosecution by the United States against C. P. Whiteman, agent of the J. K. Armsby Company, for violation of section 2 of the aforesaid act in shipping from California to Oklahoma, and then delivering in original packages to the Ridenour-Baker Mercantile Company, 24 cans of peaches contained in a box misbranded as to weight of content, the said C. P. Whiteman entered a plea of guilty, and the court imposed upon him a fine of \$100.

The facts in this case were as follows:

On October 3, 1908, an inspector of the Department of Agriculture collected a sample of canned peaches in a box bearing the following label: "Lake View Brand, Serial No. 10872, 2 Doz. 2½ lb. Cans Choice California Yellow Free Peaches, packed by G. H. Waters, Pomona, California." This sample contained 24 cans and was one of a consignment of 478 cases of canned peaches shipped to the Ridenour-Baker Mercantile Company, Oklahoma City, Okla., by J. K. Armsby Company, Los Angeles, Cal., and delivered by C. P. Whiteman, their agent, which consignment was seized under process of libel for condemnation. An examination of the 24 cans contained in the sample collected was made by the inspector, with the result that the actual weight of the cans was found to be from 34 to 35 ounces gross. The United States attorney for the western district of Oklahoma filed an information against C. P. Whiteman, agent for J. K. Armsby Company, for the aforesaid offense, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., November 30, 1908.