

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 415, FOOD AND DRUGS ACT.

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##### MISBRANDING OF JELLY (CURRANT) AND PRESERVES (LOGAN-BERRY).

On or about August 27, 1908, the Long Syrup Refining Company, a corporation, San Francisco, Cal., shipped from the State of California to the State of Montana a quantity of so-called Loganberry Preserves, and on April 5, 1909, shipped from said State of California to the State of Washington a quantity of alleged Currant Jelly. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were misbranded within the meaning of the act, said Long Syrup Refining Company, and the parties from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jurors of said district, said indictment containing two counts, the first charging the shipment of the currant jelly, and that the use of the words "Currant Jelly," in large letters on said label, and the words "blended with apple and other fruit juices," in small letters thereon, was calculated to mislead and deceive the public into the belief that the product was in fact currant jelly, whereas, as a matter of fact, said product was not currant jelly, but a mixture of currant, apple, and other fruit juices, not having the distinctive qualities or characteristics of currant jelly; the second count charging

the shipment of loganberry preserves, and alleging that said product was misbranded in the following particulars:

Upon each glass was pasted a label or brand bearing the following words, "Loganberry Preserves, Selected California Fruit, Preserved in Pure Sugar, Long's Preserves, Long Syrup Refining Company, San Francisco, Calif.," whereas, in truth and in fact, as the said defendant, by and through its officers, agents, servants, and employees, then and there well knew, the said Loganberry Preserves contained about eleven (11) per cent. of glucose, a small amount of benzoic acid, and was then and there colored with a prohibited coal tar dye, the presence of which products was not then and there indicated upon the label, but which ingredients being so mixed with the said preserves then and there reduced and lowered and injuriously affected the quality and strength of the said food product, and the presence of the coal tar dye in said food product was then and there calculated to and did conceal the inferiority of the article so shipped as a food product.

On March 8, 1910, the defendant entered a plea of guilty to the above indictment, and on March 14, 1910, the court imposed a fine of \$25 on the first count and \$100 on the second count.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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