

Issued June 28, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 442, FOOD AND DRUGS ACT.

MISBRANDING OF CANNED BLUEBERRIES.

(SHORT WEIGHT.)

During the month of August, 1908, the Schoodock Pond Packing Co., of Columbia Falls, Me., shipped from the State of Maine into the State of New York 680 packages of canned blueberries in two shipments, of 180 and 500 packages, respectively. An examination of samples of this product made in the Bureau of Chemistry of the United States Department of Agriculture showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of New York.

In due course libels were filed against the above shipments charging that the 180 packages above mentioned were misbranded in that each of them bore on the outside thereof the words "2 doz. 2-lb. Cans Blueberries," when, as a matter of fact, said packages did not each contain two dozen cans of blueberries weighing two pounds each, but contained two dozen cans, each of which was less in weight than the amount shown by the lettering on said cases; that the said 500 packages were misbranded in that each of them bore on the outside thereof the words, " $\frac{1}{2}$ doz. Gallon Cans, Schoodock Pond Packing Co. Blueberries," when, as a matter of fact, said packages did not each contain one-half dozen gallon cans of blueberries, but contained one-half dozen cans, each of which was less in weight than set forth in the label above quoted, said labels being, therefore, false and misleading so as to deceive and mislead the purchaser.

Thereupon the Schoodock Pond Packing Co. entered an appearance and set up a claim to the above product, admitting the allegations of said libels, but claiming that the shipments in question were without fraudulent intent and petitioning that it be allowed, in accordance with the provisions of section 10 of the act, to pay the costs and expenses of the proceedings herein and that the goods in question be delivered to said petitioner upon its executing and delivering a good and sufficient bond conditioned that such product should not be sold or otherwise disposed of contrary to law.

In due course the above cases came on for trial and the court, being fully informed in the premises, entered its decree sustaining the allegations of the above libels, approving the bond submitted by the claimant conditioned as above, and directing the release of the goods to said claimant, the costs of the proceedings having been paid by it.

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.*

