

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 592, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEACH BUTTER.

On or about April 25, 1908, the S. J. Van Lill Company, Baltimore, Md., shipped from the State of Maryland to the State of West Virginia 288 packages of a food product labeled "Peach Butter. Made with choice peaches, granulated sugar, apple juice, phosphoric acid. Preserved with one-tenth of one per cent of benzoate of sodium. Prepared by S. J. Van Lill Company, Baltimore, Md. Astoria Brand." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said S. J. Van Lill Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was 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 a criminal information was filed in the District Court of the United States for the District of Maryland against the said S. J. Van Lill Company, charging the above shipment and alleging that the product so shipped was adulterated, in that a certain substance, to wit, glucose, had been substituted in part for the said peach butter; and alleging the product to be misbranded, in that the label above set forth was false and misleading because, in addition to the ingredients set out in said label, the product also contained glucose and a greater amount of benzoate of sodium than the one-tenth of one per cent which said label represented it to contain.

On May 9, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 9, 1910.*

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