

**5360. Adulteration and misbranding of almond paste. U. S. \* \* \* v. Spencer Importing Co., Inc., a corporation. Plea of guilty. Fine, \$10. (F. & D. No. 7866. I. S. No. 3470-k.)**

On March 7, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Spencer Importing Co., Inc., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on February 3, 1915, from the State of New York into the State of Massachusetts, of a quantity of an article labeled in part: "Almond Paste," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained apricot tissues.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, apricot kernel paste, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure almond paste, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Almond Paste," borne on the label attached to the box containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that said article consisted wholly of pure almond paste; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure almond paste, whereas, in truth and in fact, it did not, but consisted of, to wit, a mixture of apricot kernel paste and almond paste; and for the further reason that it was, to wit, a mixture of apricot kernel paste and almond paste and was an imitation of and offered for sale under the distinctive name of another article, to wit, almond paste.

On April 20, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*