

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12251-12300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 19, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12251. Adulteration and misbranding of assorted jellies. U. S. v. 209 Cases and 68 Cases of Assorted Jelly. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17737, 17750. I. S. Nos. 4568-v, 4569-v, 4570-v, 4571-v, 4572-v, 4573-v, 4574-v, 4575-v, 4776-v, 4777-v, 4778-v, 4779-v. S. Nos. C-4008, C-4009.)

On August 22 and 28, 1923, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States for said district libels praying the seizure and condemnation of 277 cases of assorted jellies, at Cincinnati, Ohio, consigned by the Paul De Laney Co. (Inc.), Brocton, N. Y., in part May 17, 1923, and in part May 21, 1923, alleging that the article had been shipped from Brocton, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Delco Brand Pure Apple Jelly Packed By The Paul DeLaney Co. Inc. Brocton, N. Y." The remainder of the article was labeled in part: "Delco Brand Pure fruit Jelly Grape-Apple" (or "Cherry-Apple," or "Strawberry-Apple," or "Blackberry-Apple," or "Currant-Apple," or "Raspberry-Apple") Packed By The Paul DeLaney Co. Inc. Brocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that imitation jelly had been mixed and packed with and substituted wholly and in part for fruit jelly.

Misbranding was alleged for the reason that the statements on the respective labels, "Pure Fruit Jelly Strawberry-Apple," "Grape-Apple," "Cherry-Apple," "Blackberry-Apple," "Currant-Apple," "Raspberry-Apple," "Pure Apple Jelly," and "Pure Fruit Jelly Strawberry-Apple," "Pure Fruit Jelly Currant-Apple," "Pure Fruit Jelly Raspberry-Apple," "Pure Fruit Jelly Cherry-Apple," and "Pure Apple Jelly," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure fruit jelly.

On January 10, 1924, the Paul DeLaney Co., Brocton, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*