

On September 25, 1923, an order having been entered allowing Harry Roberts to appear for all the defendants, the said Harry Roberts entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture*.

12508. Adulteration and misbranding of jellies. U. S. v. F. P. Adams Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 18345. I. S. Nos. 1724-v, 1725-v, 1726-v, 1727-v.)

On March 31, 1924, the United States attorney for the District of Massachusetts, 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 F. P. Adams Co., Inc., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, on or about October 31, 1922, from the State of Massachusetts into the State of New Hampshire, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: (Jar) "Pure Currant and Apple" (or "Grape and Apple," or "Strawberry and Apple," or "Raspberry and Apple") "Jelly F. P. Adams Co. Inc. Boston, Mass. Net Weight 7 Ozs."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that they were currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, artificially colored with a coal-tar dye.

Adulteration of the articles was alleged in the information for the reason that currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, had been substituted for the said articles. Adulteration was alleged for the further reason that the articles were products inferior to pure currant and apple jelly, pure grape and apple jelly, pure strawberry and apple jelly, or pure raspberry and apple jelly, as the case might be, and were artificially colored with amaranth 107, so as to simulate the appearance of the said articles and in a manner whereby their inferiority to the said articles was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Pure Currant and Apple Jelly," "Pure Grape and Apple Jelly," "Pure Strawberry and Apple Jelly," and "Pure Raspberry and Apple Jelly," borne on the labels attached to the jars containing the respective articles, were false and misleading in that the said statements represented that the articles consisted wholly of pure fruit jellies as alleged in the labels, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of pure fruit jellies as alleged in the said labels, whereas, in truth and in fact, they did not so consist but did consist of currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored pectin jellies, as the case might be, artificially colored. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On April 18, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture*.

12509. Adulteration and misbranding of butter. U. S. v. Lamoille Valley Creamery Assoc., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 17420. I. S. Nos. 1643-v, 1655-v.)

On June 30, 1923, the United States attorney for the District of Vermont, 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 Lamoille Valley Creamery Assoc., a corporation, East Hardwick, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1922, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in butterfat and contained excessive moisture.

Adulteration of the article was alleged in the information for the reason that a substance low in butterfat and containing excessive moisture had been substituted for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.