

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On September 21, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26196. Adulteration and misbranding of preserves. U. S. v. Ile De France Import Co. Plea of guilty. Fine, \$500. (F. & D. no. 37032. Sample nos. 44109-B, 44110-B, 44116-B, 44117-B, 44118-B, 44119-B, 44122-B, 44123-B, 44124-B, 44125-B, 44130-B, 44131-B, 44132-B, 44133-B.)

This case involved preserves that were deficient in fruit and contained added sugar and pectin.

On July 2, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ile De France Import Co., a corporation, Brooklyn, N. Y., alleging shipment by said company on or about September 25, October 5, October 8, November 7, and November 15, 1935, from the State of New York into the States of Rhode Island and Massachusetts of quantities of preserves that were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Paramount Brand Pure Strawberry [or "Raspberry"] Preserves. Ile De France Import Co. N. Y."

The articles were alleged to be adulterated in that excess sugar, excess water, and added pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality; in that mixtures of fruit (strawberry or raspberry), sugar, pectin, and water, containing less fruit than preserves should contain, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that excess sugar, excess water, and added pectin had been mixed with deficient amounts of fruit in a manner whereby the inferiority of the articles to strawberry and raspberry preserves was concealed.

The articles were alleged to be misbranded in that the statement "Pure Strawberry Preserves" and "Pure Raspberry Preserves", borne on the jars, were false and misleading in that they represented that the articles were strawberry and raspberry preserves, respectively; whereas they were not strawberry and raspberry preserves but were products containing excess sugar, excess water, and added pectin and were deficient in fruit; in that said statements were borne on the jars so as to deceive and mislead the purchaser; and in that the articles were imitations of and were offered for sale under the distinctive names of other articles, namely, strawberry and raspberry preserves.

On September 8, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26197. Misbranding of Roquefort Spread. U. S. v. The Borden Sales Co., Inc. Plea of guilty. Fine, \$125. (F. & D. no. 37053. Sample nos. 50299-B, 50610-B.)

This case involved Roquefort Spread that was short in weight.

On July 28, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Borden Sales Co., Inc., at Antwerp, N. Y., alleging that on or about November 28, 1935, the defendant had shipped from the State of New York into the State of New Jersey, a quantity of Roquefort Spread which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "5 Ozs. Net Borden's * * * Roquefort Spread Pasteurized Process Cheese The Borden Sales Company, Inc., New York—Chicago—San Francisco Distributors."

The article was alleged to be misbranded in that the statement "5 Ozs. Net", borne on the jars, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars contained less than 5 ounces net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$125.

HARRY L. BROWN, *Acting Secretary of Agriculture.*