

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 811, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "COLUMBINE BRAND COMPOUND" FRUIT JELLIES.

On or about September 20, 1909, the Colorado Canning Company, a corporation, James Turnbull and William J. Lindenberger, Canon City, Colo., shipped from the State of Colorado into the Territory of New Mexico a quantity of five varieties of jellies, one of which was labeled: "Columbine Brand Compound Raspberries and Apple Jelly. Made from fresh fruit, apple juice, granulated sugar, and glucose. Made by Colorado Canning Co., Canon City, Colorado"; the other four varieties bearing identical labels except that the word "raspberries" was substituted in said other labels by the words "currant," "blackberry," "grape," and "plum," and also bore the words "1/10 of one per cent benzoate of soda" stamped very inconspicuously and illegibly across the face of the latter four labels. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the result that the products in question were each found to contain free sulphuric acid and benzoate of soda, and not to be jellies but viscous syrups with the flavors of the fruits indicated scarcely apparent. As the findings of the analyst and report made indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Colorado Canning Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the 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.

On August 31, 1910, a criminal information was filed in the District Court of the United States for the District of Colorado against the

said Colorado Canning Company, James Turnbull and William J. Lindenberger, charging the above shipment and alleging in the first count thereof that the above-mentioned jellies were adulterated and misbranded in violation of the act, and specifying such adulteration and misbranding of each of said products in nine other counts.

On September 30, 1910, the defendant corporation pleaded guilty to the above-mentioned first count, whereupon the court imposed a fine of \$10 and costs. The remaining counts as to the canning company and all counts as to the individual defendants above referred to, James Turnbull and William J. Lindenberger, were dismissed on motion of the United States attorney for the district aforesaid, for the reason that said corporation had been adjudged a bankrupt, and that no further goods had been manufactured from the same materials with the obnoxious ingredients, nor had the goods been subsequently shipped under the illegal labels.

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., *March 15, 1911.*