

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 589, FOOD AND DRUGS ACT.

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### MISBRANDING OF DRIED APRICOTS.

On or about November 24, 1909, the Simon Levi Company, a corporation, Los Angeles, Cal., shipped from the State of California to the Territory of Arizona a quantity of a food product contained in paper boxes which were each labeled "One Pound Santa Ysabel Brand Apricots, Simon Levi Co., Los Angeles, and San Diego, Cal." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Simon Levi Company and the party from whom the samples were procured 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.

In due course a criminal information was filed in the District Court of the United States for the Southern District of California against the said Simon Levi Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth was false and misleading and calculated to deceive purchasers into the belief that the said packages and each of them contained one pound of apricots, when in truth and in fact the said packages and each of them contained only 14 ounces, approximately, of apricots.

On July 12, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$1.

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., *September 9, 1910.*

