

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 602, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF JAM COMPOUND.

On or about September 3, 1909, Bishop & Co., a corporation, Los Angeles, Cal., sold and delivered to Haas, Baruch & Co., a corporation of the same city, a quantity of two food products, labeled respectively, "Anchor Brand Loganberry Jam Compound" and "Anchor Brand Strawberry Jam Compound." Previously, on March 7, 1908, said Bishop & Co. executed and delivered to said purchaser the following guaranty in the form of a letter:

BISHOP & COMPANY,
LOS ANGELES, CAL., *March 7, 1908.*

"HAAS, BARUCH & Co.,
City.

GENTLEMEN: We hereby guarantee that all articles of confectionery, all bakery products, all fruit products, all vegetable products, all meat products, which you may purchase from us will, in the original unbroken package, form, nature and composition, in which we deliver the said confectionery, bakery products, fruit products, vegetable products, into your possession and custody comply at the time of delivery with the provisions of the Food and Drugs Act, passed by the Congress of the United States and approved June 30th, 1906, and also with the California Pure Food Act passed by the legislature of the State of California, and approved March 11th, 1907, and will not, in said package, form, nature or composition, be misbranded or adulterated at said time within the meaning of either said National Act or of said California Act.

This guaranty is to remain in force until revoked in writing by us.

Yours truly,

BISHOP & Co.,"

which guaranty had not been revoked at the time of said sale and delivery. On or about September 3, 1909, said Haas, Baruch & Co. shipped from said State of California to the Territory of Arizona a quantity of the two food products first above mentioned.

Samples from this shipment were analyzed in the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report made that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded

opportunities for hearings to the party from whom said samples were procured, to the shipper and to the guarantor of said products, and as it appeared after hearings held that there had been a violation of the act on the part of the above named guarantor, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on 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 Bishop & Co., charging the above shipment and guaranty, and alleging that the products so shipped were adulterated, in that commercial glucose had been substituted for the ingredient sugar, which the said labels implied constituted a substantial ingredient of said article of food; in that a certain substance, commercial glucose, had been mixed and packed with said article of food to an extent which materially reduced and lowered the quality and strength thereof, and alleging said products to be misbranded in that the statements, designs, and devices appearing on said labels were false and misleading and calculated to deceive purchasers into the belief that said products were composed of and manufactured from loganberries and sugar and from strawberries and sugar, respectively, when in truth and in fact said articles were composed of considerable quantities of commercial glucose which had been substituted for sugar; that the said defendant at the time of making the sale and delivery of said products to the purchasers thereof, said Haas, Baruch & Co., knew that said firm was engaged extensively in the business of selling and shipping in interstate commerce groceries and articles of food in original and unbroken packages to retail dealers in towns and cities situated in States and Territories of the United States and beyond the territorial limits of the State of California and that said products were liable to be sold in interstate traffic, and that in fact said products were, on or about the same day, shipped by said purchasers in interstate traffic to Yuma, Ariz., and that by reason of the fact that said products were adulterated and misbranded as aforesaid, the interstate shipment thereof was unlawfully made; and that by reason of the guaranty given by the said defendant it was amenable to the prosecution, fines, and other penalties which would attach because of said unlawful interstate shipment.

On July 8, 1910, the defendant pleaded guilty to the above information 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, 10, 1910.*