

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 641, FOOD AND DRUGS ACT.

MISBRANDING OF CURRANT JAM.

On or about August 5, 1909, Samuel Y. Sauber, doing business as the Home Fruit Company, New York City, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Finest quality Currants. Choice Home Made Pure Jam. Made from fresh fruit, gran. sugar and 10% apple juice. Serial No. 23237. S. Y. Sauber, Prop. 1706 Park Ave., New York City." Samples of this shipment were procured and analyzed 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 Samuel Y. Sauber 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 Circuit Court of the United States for the Southern District of New York against the said Samuel Y. Sauber, doing business as the Home Fruit Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the aforesaid label was false and misleading because it would indicate that the contents of the jar in which the said food was shipped as aforesaid was currant jam and was made from fresh fruit, whereas in truth and in fact the product was not currant jam and was not made from fresh fruit, but was a mixture of water, sugar, dried currants, and apple juice.

On April 20, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 6, 1910.*

