

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 796, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF APPLE PHOSPHATE.

On or about November 11, 1908, the Warner Jenkinson Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Alabama a quantity of apple phosphate labeled "Guaranteed under the Food and Drugs Act, Serial No. 2008, Warner Jenkinson Co., St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: alcohol by volume 7.41 per cent, solids 3.22 per cent, reducing sugars (after inversion) 1.70 per cent, direct polarization $+4.4^{\circ}$, invert polarization $+4.4^{\circ}$, ash 0.125, alk. of sol. ash 10.9 cc, alk. insol. ash 4.0 cc, insol. ash 0.025, soluble ash by difference 0.00, P_2O_5 in sol. ash 3.3 mg, P_2O_5 in insol. ash 5.2 mg, total acidity (as malic) 0.412, volatile acid 0.022, fixed acids 0.362, reducing sugars direct 1.64.

As it appeared from the above analysis and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Warner Jenkinson Company, Incorporated, 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 Eastern District of Missouri against the said Warner Jenkinson Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that said barrel or cask contained a liquid which was not apple phosphate, but was a liquid artificially compounded and

containing alcohol, reducing sugars, glucose, citric and phosphoric acid, and other chemicals; and that another substance, to wit, a compound of alcohol, reducing sugars, glucose, citric and phosphoric acids, and other chemicals had been substituted for the apple phosphate; and that said substance, to wit, a compound of alcohol, reducing sugars, citric and phosphoric acids, and other chemicals had been mixed and packed with the liquid contained in said barrel or cask so as to reduce and lower and injuriously affect its quality and strength; and that the product was misbranded in that it was a liquid, as aforesaid, and was an imitation and offered for sale under the distinctive name of another article.

The defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

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 1, 1911.*

