

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1393.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE JELLY.

On January 14, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against S. J. Van Lill Co., a corporation, Baltimore, Md., alleging shipment by it, in violation of the Food and Drugs Act, on or about November 23, 1909, from the State of Maryland into the State of Ohio of a quantity of apple jelly which was misbranded. The product was labeled: "Pure Apple Jelly. Distributed by The John H. Fitch Co., Youngstown, O."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed a total ash of 1.02 per cent and 0.33 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid. Misbranding was alleged for the reason that the statement on the label, "Pure Apple Jelly", was false and misleading in that the said article was not pure apple jelly, but contained an excessive quantity of phosphoric acid, to wit, 0.33 per cent phosphoric acid, and for the further reason that the said article contained a substance not a recognized constituent of pure apple jelly, to wit, phosphoric acid.

On November 28, 1911, the defendant pleaded guilty and was fined \$15.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 3, 1912.*

