

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1745.

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

ADULTERATION AND MISBRANDING OF FIG AND HONEY CAKES.

On May 23, 1912, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. A. Strohecker, Trenton, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 16, 1911, from the State of New Jersey into the State of New York, of a consignment of the product known as fig and honey cakes which were adulterated and misbranded. The product was labeled: "Fig & Honey 19 S.-Lipowicz, Buffalo, N. Y." (Guaranty stamped on side of box): "U. S. Serial No. 2751. Guaranteed under Food and Drugs Act June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Reducing sugars as invert before inversion, 39.89 per cent; commercial glucose, 37.91 per cent; polarization direct at 21° C., 58.6; polarization invert at 21° C., 58; polarization invert at 87° C., 61.8; weight, 17.125 pounds; shortage (marked and sold for 19 pounds), 9.87 per cent. Adulteration was alleged in the information for the reason that the product being an article used for food contained a substance, to wit, commercial glucose, which had been substituted in part for the product. Misbranding was alleged for the reason that the statement on each of the boxes containing the product, to wit, "Fig & Honey 19", would mislead and deceive the purchaser into the belief that the product consisted of fig and honey cakes and that the contents of each package weighed 19 pounds, whereas in truth and in fact the product contained a substance, to wit, commercial glucose, which had been substituted in part for said product, the presence of which was not declared upon the label, and had been substituted in part for the genuine article, and the contents of each box weighed less than 19 pounds, to wit, 17 $\frac{1}{8}$ pounds; and further, in that the statement "Guaranteed under the Food and Drugs Act, June 30, 1906", borne

on the package created the impression that the product was guaranteed by the United States to be pure, whereas such was not the fact; and further, in that the product was in package form and the contents were stated in terms of weight to be 19 pounds, and were not correctly stated on the outside of the package, that is to say, the contents of each of said packages weighed only $17\frac{1}{8}$ pounds and not 19 pounds, as labeled.

On May 27, 1912, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 13, 1912.*

1745

○