

4325. Misbranding of artificial strawberry and artificial pineapple flavorings. U. S. v. Durand & Kasper Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4888. I. S. Nos. 13147-d, 13148-d.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Durand & Kasper Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 18, 1912, from the State of Illinois into the State of Massachusetts, of quantities of "Artificial Strawberry Flavoring" and "Artificial Pineapple Flavoring," which were misbranded. The artificial strawberry flavoring was labeled: (Blown in bottle) "2 Oz. Full measure." (Stenciled on box) "3 Doz. 2 Oz. Full Measure Durkasco Brand Artificial Flavorings Artificial Strawberry Manufactured by Durand & Kasper Co., Chicago." The artificial pineapple flavoring was labeled: (Blown in bottle) "2 Oz. Full Measure." (Stenciled on box) "3 Doz. 2 Oz. Full Measure. Durkasco Brand Artificial Flavorings Artificial Pineapple Manufactured by Durand & Kasper Co. Chicago."

Examination of 30 samples of each of the flavorings, made by the Bureau of Chemistry of this department, showed in the case of the strawberry flavoring an average measure of 1.85 ounces, amounting to an average shortage of 7.5 per cent; and in the case of the pineapple flavoring an average measure of 1.82 ounces, which amounted to an average shortage of 9 per cent.

Misbranding of the articles was alleged in the information for the reason that each of the bottles containing the articles of food bore labels in the words and figures set forth above, which said statements on the labels appearing on the bottles and boxes aforesaid were false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained two [fluid] ounces of one or the other of the articles of food aforesaid, whereas, in truth and in fact, each of the bottles did not contain two [fluid] ounces in volume of the articles of food aforesaid, but a much less amount. Misbranding was alleged for the further reason that said statement appearing on the bottles and boxes aforesaid deceived and misled the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained two [fluid] ounces of one or the other of the articles of food aforesaid, whereas, in truth and in fact, each of the bottles aforesaid did not contain two [fluid] ounces in volume of the articles of food aforesaid, but a much less amount.

On October 9, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*