

**26311. Misbranding of canned corn. U. S. v. 650 Cases of Canned Corn. Product adjudged misbranded and released under bond to be relabeled. (F. & D. no. 37382. Sample no. 49287-B.)**

This case involved canned corn of one of the broad kernel varieties which was of low quality and which was represented to be Country Gentleman little kernel corn of high quality.

On March 19, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 650 cases of canned corn at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1935 by Otto Billman & Co., Inc., from Morristown, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ski-High Brand Country Gentleman Little Kernel Sugar Corn \* \* \* High in Name and Quality. Packed by Otto Billman & Co., Morristown, Ind."

The article was alleged to be misbranded in that the statements on the label, "Country Gentleman Little Kernel Sugar Corn" and "High in \* \* \* Quality", were false and misleading and tended to mislead and deceive the purchaser, since the product was canned corn of one of the broad-kernel varieties and was not Country Gentleman corn or little-kernel corn and was very low in quality; and in that it was offered for sale under the distinctive name of another article.

On October 30, 1936, the Missouri-Kansas Mercantile Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26312. Adulteration and misbranding of preserves. U. S. v. 117 Jars of Alleged Raspberry Preserves, et al. Default decree entered. Product delivered to charitable institutions. (F. & D. no. 37395. Sample nos. 60943-B, 60946-B, 60948-B, 60949-B, 60950-B, 60953-B, 60980-B.)**

This case involved assorted preserves which were deficient in fruit. Portions of the article contained added pectin or added acid, or both added pectin and added acid.

On or about March 24, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 806 jars of assorted preserves at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce in part on or about March 28, 1935, and in part on or about January 17, 1936, by the White Gate Products Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Gate \* \* \* Pure Raspberry [or "Quince", "Blackberry", "Loganberry", or "Peach"] Preserves. White Gate Products Corp. N. Y."

The articles were alleged to be adulterated in that sugar, acid, or pectin, or a combination of said substances, had been mixed and packed therewith so as to reduce or lower their quality; in that mixtures of fruit and sugar containing less fruit and more sugar than preserves should contain, portions thereof also containing acid or pectin, or both acid and pectin, had been substituted for preserves which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves", "Pure Quince Preserves", "Pure Blackberry Preserves", "Pure Loganberry Preserves", and "Pure Peach Preserves", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain, and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On July 13, 1936, no claimant having appeared, a general default was entered and it was ordered that the product be delivered to charitable institutions after removal of the labels.

M. L. WILSON, *Acting Secretary of Agriculture.*