

The Secretary of Agriculture having afforded the manufacturers an opportunity on April 7, 1908, to show any fault or error in the findings of the analyst, and they having failed to do so, the facts were reported to the Attorney-General and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said defendant with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 30, 1908.*

---

(N. J. 33.)

#### MISBRANDING OF MAPLE SIRUP.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of October, 1908, in the district court of the United States for the district of Colorado, in a proceeding of libel for condemnation of 296 cases and 93 5-gallon cans of a misbranded food product—that is to say, a product labeled and branded “Canada Sap Maple and Pure Sugar Cane Syrup,” and which contained sugar-cane sirup in excess of maple sirup, wherein the United States was libellant and the Scudder Syrup Company was claimant, the case having come on for a hearing, and the said claimant having failed to answer, a decree of forfeiture and condemnation was rendered in substance and form as follows:

In the district court of the United States within and for the district of Colorado.

<p>THE UNITED STATES OF AMERICA, LIBELANT, <i>vs.</i> FOUR HUNDRED CASES AND ONE HUNDRED FIVE-GALLON CANS OF MAPLE SYRUP.</p>	}	No. 2187.
---	---	-----------

In this cause, it appearing to the court that the said United States of America, by Thomas Ward, jr., United States attorney, and the Scudder Syrup Company, the claimants and the owners of the property seized herein, by L. W. Bassett, esq., their attorney, consenting thereto, and under the process issued in this cause one hundred and one cases of one-gallon cans, ninety-four cases

of one-half gallon cans, one hundred and one cases of one-fourth gallon cans, and ninety-three five-gallon cans of maple syrup were seized by the United States marshal at the city of Colorado Springs, El Paso County, State of Colorado, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein—that is to say, for the reason that said cases and cans contained a mixture of syrup wherein cane syrup was greatly in excess of one-half, and maple syrup was much less than one-half, and that the said brands on said cases and cans were misleading and calculated to deceive purchasers.

And it further appearing by like consent that the said Scudder Syrup Company have agreed that an order may be entered at once condemning and confiscating said property to the United States;

It is therefore ordered, adjudged, and decreed that the said property above described, now in possession of the marshal of the court, be, and the same hereby are, declared to be forfeited and confiscated to the United States.

It is further ordered, however, that upon payment by the said Scudder Syrup Company of the costs of this proceeding and the execution and delivery of a good and sufficient bond to be filed with the clerk in this cause, conditioned that said property shall not be sold or otherwise disposed of contrary to the provision of the act (ch. 3915, 59th Congress) commonly known as the Pure Food and Drugs Act (act of June 30, 1906), or contrary to the laws of the State of Colorado, then the marshal of this court is hereby directed to deliver said property to the Scudder Syrup Company or its representatives.

[Signed] THOMAS WARD, Jr.,  
*United States Attorney.*

[Signed] LLOYD W. BASSETT,  
*Attorney for Scudder Syrup Co.*

The facts in the case were as follows:

On or about September 12, 1908, an inspector of the Department of Agriculture located in the possession of the Shields, Morley Grocery Company, and O. E. Hemenway, at Colorado Springs, Colo., 400 cases and 100 5-gallon cans, more or less, of syrup, which goods were shipped to them by the Scudder Syrup Company, of Chicago, Ill. The said cases and 5-gallon cans were marked and branded "Scudder's Full Measure Absolutely Pure Canada Sap Maple and Pure Sugar Cane Syrup." The following results of an analysis made in the Bureau of Chemistry of the Department of Agriculture of a sample of the syrup taken from the consignment seized showed that the amount of sugar-cane syrup contained in the product was greatly in excess of the amount of maple syrup.

Total solids (per cent)-----	64.5
Total ash (per cent)-----	0.16
Polarization, direct at 23° C. (°V.)-----	60.5
Polarization, invert at 23° C. (°V.)-----	-20.0
Sucrose by Clerget (per cent)-----	61.3
Lead number (Sy's)-----	{ 0.6
	{ 0.7
Maple flavor-----	Slight.

The facts were reported by the Secretary of Agriculture to the United States attorney for the district of Colorado, and libel for

seizure and condemnation under section 10 of the act was duly filed in the court aforesaid. The case having come on for trial, the court adjudged the product misbranded, and upon the filing by the Scudder Syrup Company of a good and sufficient bond under the provisions of the decree hereinbefore set forth, the goods were released to it.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 28, 1908.*

---

(N. J. 34.)

**MISBRANDING OF CANNED PEACHES.**

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 19th day of October, 1908, in the district court of the United States for the western district of Oklahoma, in a proceeding of libel for condemnation of misbranded peaches—that is to say, 478 boxes containing 24 cans each of canned peaches misbranded as to weight of content, wherein the United States was libelant and the Ridenour-Baker Mercantile Company, a corporation, was claimant, the said claimant having filed its answer, and the cause having come on for a hearing, a decree of forfeiture and condemnation was rendered in substance and form as follows:

In the district court of the United States for the western district of Oklahoma.

THE UNITED STATES, LIBELANT,	}	No. 45.
vs.		
FOUR HUNDRED AND SEVENTY-EIGHT CASES OF PEACHES.		

Decree of condemnation.

Now, to wit, on the 19th day of October, 1908, at a term of said court at Enid, in said district, said cause came on for trial, and it appearing to the court that upon the libel filed herein monition and warrant of arrest was issued and duly served on the second day of October, 1908, and that by virtue of said warrant the marshal has seized and now holds four hundred and seventy-eight cases of peaches of the approximate value of eight hundred and seventy-five dollars, containing two dozen cans to the case, the said four hundred and seventy-eight