

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 234, FOOD AND DRUGS ACT.

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### MISBRANDING OF MOLASSES.

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 22d day of November, 1909, in the Circuit Court of the United States for the Eastern District of Louisiana, in a prosecution by the United States against the Berry-Maybrun Company, a corporation of New Orleans, La., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Louisiana to California a quantity of misbranded molasses, the said Berry-Maybrun Company entered a plea of guilty and the court imposed upon it a fine of \$10.

The facts in the case were as follows:

On March 11, 1909, an inspector of the Department of Agriculture purchased from the Stetson-Barrett Company, Los Angeles, Cal., a sample of a food product labeled: "Ginger Cake Brand Molasses from plantation to table. Contains sulphur dioxid. Complies with pure food laws of all states, Serial No. 2174. Packed by Berry, Maybrun Co., New Orleans, Chicago, Ill., 2 lbs." The sample was examined in the Bureau of Chemistry of the United States Department of Agriculture and found to average a shortage of 21.51 per cent per can below the weight declared on the label. It was therefore misbranded within the meaning of section 8 of the act in that it purported to state its contents in terms of weight, which statement was incorrect.

It appearing from the aforesaid examination that the article was misbranded, the Secretary of Agriculture gave notice to the Stetson-Barrett Company, Los Angeles, Cal., the dealers from whom the sample was purchased, and to the Berry-Maybrun Company,

New Orleans, La., the manufacturer and shipper, and gave them an opportunity to be heard. The Berry-Maybrun Company being the party solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid examination, and it being determined that the article was misbranded, on August 12, 1909, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States Attorney for the Eastern District of Louisiana, who filed an information against the Berry-Maybrun Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 28, 1910.*

