

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1789.

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

MISBRANDING OF SYRUP.

On February 27, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 2 dozen No. 2½ size cans, 15 cases each containing 1 dozen No. 5 size cans, and 25 cases each containing 6 No. 10 size cans, of syrup, remaining unsold in the original unbroken packages and in possession of P. Winkler's Sons (Inc.), Louisville, Ky., alleging that the product had been shipped on January 18, 1912, by the Union Starch & Refining Co., Edinburgh, Ind., and transported from said State of Indiana into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The product was labeled "Compound: 90% Corn Syrup: 10% Refiners' Syrup Rock Candy, Brand, Corn Syrup, Cane Flavor Packed for P. Winkler's Sons, Inc., Louisville, Ky. Guaranteed by Union Starch & Refining Co., Edinburgh, Ind., under the Food and Drugs Act, June 30, 1906, Serial No. 5854."

Misbranding was alleged in the libel for the reason that the product bore a label and statement regarding it and the ingredients and substances contained therein which said statement was false and misleading, the product being labeled as set forth above and the words "Rock Candy" and "Corn syrup" on the label formed the principal label of the product and the words "Rock Candy" were printed in large black block capital letters more than five-sixteenths of an inch in height, and the words "Corn Syrup" were printed in large black type with capital letters beginning each word half an inch in height and the lower case letters nearly three-eighths of an inch in height,

and the words "Brand" and "Cane Flavor" were printed in inconspicuous small capitals not legible to ordinary eyesight beyond 6 feet, and the words "90% Corn Syrup"; "10% Refiners' Syrup" were printed in small type or lower case letters being less than one-sixteenth of an inch in height, and the capitals less than one-eighth of an inch in height and not legible to the ordinary eyesight at as great a distance as 6 feet, and the words "Brand" and "Cane Flavor" and "90% Corn Syrup" "10% Refiners' Syrup" were so printed as not to be readily observed or seen by a person examining the cans, and the words "Rock Candy" and "Corn Syrup" were printed and displayed in such a manner as to convey to purchasers thereof the impression that the product consisted of a mixture of rock candy and corn syrup. Misbranding was alleged for the further reason that in fact and in truth the product was not a mixture of rock candy and corn syrup and did not contain any rock candy, but consisted almost entirely of glucose.

On March 22, 1912, the said Union Starch & Refining Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of the costs of the proceedings and the execution of a bond in conformity with section 10 of the Act by said claimant, the product should be released and delivered to the claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 2, 1912.*

