

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2211.

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

MISBRANDING OF CONFECTIONERY.

On October 24, 1912, the United States Attorney for the Southern District of Ohio, 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 Reinhart & Newton Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on October 2, 1911, from the State of Ohio into the State of West Virginia, of a quantity of confectionery which was misbranded. The product was labeled: "Phoenix Brand Delmore Maples."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (by refractometer), 97.6 per cent; sucrose (Clerget), 62.4 per cent; commercial glucose, 33.25 per cent; ash, 0.33 per cent; ash soluble in water, 0.26 per cent; ash insoluble in water, 0.07 per cent; ratio soluble to insoluble ash, 3.7; alkalinity of soluble ash (cc N/10 acid per 100 grams), 34.0; alkalinity of insoluble ash (cc N/10 acid per 100 grams), 15.0; polarization, at 20° direct, +117.2°V.; polarization, at 20° invert, +34.4°V.; polarization, at 87° invert, +54.2°V.; Winton lead number, 0.10; sulphur dioxid, trace. Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser thereof, in that said label and brand was calculated and intended to, and did, create the impression and belief in the mind of the purchaser thereof that it was composed of maple sugar, when, in truth and in fact, it contained no maple sugar and did not possess in flavor or taste the characteristics of maple sugar. Misbranding was alleged for the further reason that said label bore a statement regarding the product and the ingredients and substances contained therein which said

statement, to wit, "Phoenix Brand Delmore Maples," was false, misleading, and deceptive in that it purported and represented the product to consist of maple sugar, whereas in truth and in fact it contained no maple sugar and did not possess in flavor or taste the characteristics and qualities of maple sugar.

On October 28, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs, \$14.20. The case was reported for prosecution upon charges of adulteration and misbranding.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C. *January 16, 1913.*

