

**9056. Misbranding of pancake sirup. U. S. v. 200 Cases of Pancake Sirup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12242. Sample No. 52302-F.)**

**LIBEL FILED:** April 24, 1944, District of Maine.

**ALLEGED SHIPMENT:** On or about February 24, 1944, by the D. A. Perkins Co., from Somerville, Mass.

**PRODUCT:** 200 cases, each containing 12 16-ounce bottles, of pancake sirup at Portland, Maine.

**LABEL, IN PART:** "Pan Cake Syrup \* \* \* Made From Pure Cane Syrup Imitation Maple Flavor."

**NATURE OF CHARGE:** Misbranding, Section 403 (c), the product was an imitation of maple sirup, and its label failed to bear, in type of uniform size and prominence, the words "imitation" and, immediately thereafter, the name of the food imitated.

**DISPOSITION:** August 14, 1945. The Great Atlantic & Pacific Tea Co. of New Jersey, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**9057. Misbranding of pancake sirup. U. S. v. 885 Cases, 150 Cases, and 495 Cases of Pancake Sirup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11966. Sample Nos. 51949-F, 51950-F.)**

**LIBEL FILED:** March 10, 1944, District of Maine.

**ALLEGED SHIPMENT:** From on or about November 13, 1943, to on or about January 19, 1944, by the Tri-Western Products Corporation, Cambridge, Mass.

**PRODUCT:** 885 cases, each containing 12 16-ounce bottles, 150 cases, each containing 24 16-ounce bottles, and 495 cases, each containing 12 32-ounce bottles, of pancake sirup at Portland, Maine.

**LABEL, IN PART:** "Maple-Tree Farm Brand Pancake Syrup Made from Pure Cane Sugar Syrup Imitation Maple Flavor D. A. Perkins Co., Cambridge, Mass. 16 Oz.," or "Maple-Tree Farm Brand Pancake Syrup Maple-Tree Farm Products Co. Cambridge, Mass. Made from Pure Cane Sugar Syrup Imitation Maple Flavor 16 [or "32"] Oz."

**NATURE OF CHARGE:** Misbranding, Section 403(a), the words "Maple-Tree" in the brand name and in the firm name on some of the bottle labels were misleading since the product was an artificially colored and flavored sugar solution containing little or no maple sirup; and the statement on all the labels, "Made from Pure Cane Sugar Syrup," was false and misleading since the article contained more water than is contained in pure sugar sirup.

Further misbranding, Section 403 (c), the product was an imitation of another food, maple sirup, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403(e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents, since the article was a liquid and the statement of quantity of contents was not expressed in terms of liquid measure and in terms of the largest unit; Section 403(f), the statement "Imitation Maple Flavor" was not prominently placed on the label with such conspicuousness, as compared with other statements in the labeling, as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (k), the product contained artificial coloring, caramel, and it failed to bear labeling stating that fact.

**DISPOSITION:** August 7, 1945. The Great Atlantic & Pacific Tea Co. of New Jersey, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**9058. Misbranding of marshmallow topping. U. S. v. 18 Cases of Marshmallow Topping. Default decree of condemnation. Product ordered delivered to an institution. (F. D. C. No. 15973. Sample No. 27579-H.)**

**LIBEL FILED:** On or about May 1, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about March 13, 1945, by the Transpac Products Co., from San Francisco, Calif.

**PRODUCT:** 18 cases, each containing 24 jars, of marshmallow topping at Portland, Oreg. Examination showed that the article was short-weight.