

United States Department of Agriculture,
OFFICE OF THE SECRETARY,
BOARD OF FOOD AND DRUG INSPECTION.

**NOTICE OF JUDGMENT NOS. 100-101, FOOD AND
DRUGS ACT.**

- 100. Misbranding of sirup (As to place of manufacture and manufacturer).
- 101. Adulteration of oats (Mixed with barley and other grains).

(N. J. 100.)

MISBRANDING OF SIRUP.

(AS TO PLACE OF MANUFACTURE AND MANUFACTURER.)

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 of the judgment of the court in case of the United States *v.* 20 full barrels and 8 half barrels of sirup, a proceeding of libel, lately pending in the district court of the United States for the middle district of Pennsylvania, for seizure and condemnation of said sirup under section 10 of the aforesaid act for the reason that it was misbranded in this, it was labeled "George Bubb and Sons, Haleeka Club Sirup, Compound 90 per cent Corn Sirup, 10 per cent Refiners Sirup, Williamsport, Pa.," whereas, in fact, it had been manufactured at Granite City, Ill., by the Corn Products Refining Company, of New York City. George Bubb and Sons, of Williamsport, Pa., interposed their claim to the sirup, and the case having come on to be heard on January 14, 1909, in pursuance of an agreement for entry of a consent decree, the court adjudged the sirup misbranded as alleged in the libel and rendered its decree in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES, MIDDLE DISTRICT OF
PENNSYLVANIA.

UNITED STATES OF AMERICA	}
<i>vs.</i>	
TWENTY FULL BARRELS AND EIGHT Half Barrels of Syrup.	

And now, January 14, 1909, it appearing to the court, the United States, by Charles B. Witmer, United States attorney, and George Bubb and Sons, the claimants and owners of the property seized herein, by their attorneys, Candor and Munson, consenting thereto, that under the process issued in this cause, ten full barrels and three half barrels being branded Geo. Bubb and Sons, Haleeka Club Syrup, Compound 90 per cent, 10 per cent Refiners Syrup, Williamsport, Pa., Guaranteed under Food and Drugs Act June 30, 1906, Serial No. 2317, and ten full barrels and three half barrels branded Geo. Bubb and Sons, Haleeka Club Syrup, Compound 90 per cent Corn Syrup, 10 per cent Refiners Syrup, Williamsport, Pa., were seized by the United States marshal in the possession

of Geo. Bubb and Sons, wholesale grocers and jobbers in the city of Williamsport, Lycoming County, Pennsylvania; 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 barrels and half barrels containing said syrup were misbranded, the same appearing to deceive and mislead the purchaser.

And it further appearing by like consent that the said Geo. Bubb and Sons have agreed that an order may be entered at once condemning and confiscating the said property to the United States;

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

It is further ordered, however, that upon payment by the said Geo. Bubb and Sons of the costs of this proceeding and the execution and delivery of a good and sufficient bond in the sum of one thousand dollars to be filed with the clerk in this cause, conditioned that said twenty full barrels and six half barrels of syrup shall not be sold or otherwise disposed of contrary to the provisions of the act of June 30, 1906, commonly known as the Pure Food and Drugs Act, or contrary to the laws of the State of Pennsylvania, then the marshal of this court is hereby directed to deliver said twenty full barrels and six half barrels of syrup to the said Geo. Bubb and Sons, or their agents.

And in the event that said Geo. Bubb and Sons shall fail to pay the costs of this proceeding, or fail to give bond as above provided within fifteen days from the entry of this order, then the marshal of this court is directed, after first properly branding said twenty full barrels and six half barrels of syrup, to advertise the same for sale in some newspaper published in the city of Williamsport, for a period of fifteen days and sell the same at the county court house on the public square of said city from curb to the highest bidder.

BY THE COURT:

R. W. ARCHBALD,
District Judge.

The facts in the case were as follows:

On or about January 5, 1909, an inspector of the Department of Agriculture found in the possession of George Bubb and Sons, Williamsport, Pa., 20 barrels and 8 half barrels of sirup labeled "George Bubb and Sons, Haleeka Club Sirup, Compound 90 per cent Corn Sirup, 10 per cent Refiners Sirup, Williamsport, Pa." The sirup had been shipped by the Corn Products Refining Company from Granite City, Ill., to George Bubb and Sons, Williamsport, Pa., on December 14, 1908. It was misbranded in violation of section 8 of the act because the label thereon represented that it had been manufactured by George Bubb and Sons, at Williamsport, Pa., when, in fact, it had been manufactured by the Corn Products Refining Company at Granite City, Ill. On January 6, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the middle district of Pennsylvania and libel for seizure and condemnation of the sirup, under section 10 of the act, was duly filed 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., *September 30, 1909.*