

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 198, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF SYRUP.

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 6th day of December, 1909, in the Circuit Court of the United States for the Southern District of New York, in a prosecution by the United States against Charles Israel, Ernest W. Israel, and William E. Israel, doing business under the firm name of Chas. Israel & Bros., all of New York City, N. Y., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from New York to New Jersey an adulterated and misbranded syrup, the said defendants entered a plea of guilty and the court imposed upon each a fine of \$10.

The facts in the case were as follows:

On March 4, 1908, an inspector of the Department of Agriculture purchased from R. Feldman, Elizabeth, N. J., a sample of a food product labeled "Pure Vermont Maple Syrup, put up by Chas. Israel & Bros., New York. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 7161." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to consist of a compound of sucrose syrup and maple syrup. Hence the product was adulterated within the meaning of section 7 of the act in that a substance other than maple syrup, to wit, sucrose syrup, was substituted in part for maple syrup, and was misbranded within the meaning of section 8 of the act in that it was labeled "Pure Vermont Maple Syrup," which statement was false and misleading in that it indicated that the said bottle contained pure maple syrup, whereas, as a matter of fact, said bottle did not contain pure maple syrup, but a mixture of maple syrup and sucrose syrup.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to R. Feldman, the dealer from whom the sample was purchased, and also to Chas. Israel & Bros., the manufacturers and shippers, and gave them an opportunity to be heard. Chas. Israel & Bros. being the parties solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on March 13, 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 Southern District of New York, who filed an information against the said Chas. Israel & Bros., with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 15, 1910.*