

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1042.

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

MISBRANDING OF SUGAR CORN FLAKES.

In March, 1911, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed a libel for seizure and condemnation in the District Court of the United States against 175 cases, more or less, of sugar corn flakes, in possession of the Scudders-Gale Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been transported, on or about March 6, 1911, from the State of Michigan into the State of Missouri, and charging misbranding of the product in violation of the Food and Drugs Act. Each of the cases containing the product was labeled "36 Packages Sugar Corn Flakes toasted ready to eat. The Grain Products Co., Battle Creek, Mich." Each of the one hundred and seventy-five cases contained three dozen retail packages, which were labeled as follows: "Sugar Corn Flakes toasted ready to eat. Manufactured by the Grain Products Co. Battle Creek, Mich. Sugar Corn Flakes. Sugar Corn Flakes. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 4808-a. Made of the finest white corn. Another high class food product made by the manufacturers of Grape Sugar Flakes, Marshall Bros., Sales Agents, Detroit, Mich. Toasted ready to eat. The most delicious and healthful product ever made from grain. Tastes good any way you serve it, but should be heated in the oven a few minutes before serving."

Examination by the Bureau of Chemistry of this Department showed the product to consist of field corn flakes; not to contain the sugar present in sugar or sweet corn. Misbranding was, therefore, charged for the reason that the labeling of the cases and the retail packages was false and misleading, in that they were calculated to deceive and mislead the purchaser to believe that said product was

made from sugar corn or sweet corn, when, in fact, it was made from field corn.

On April 8, 1911, after hearing, the court sustained the allegations in the libel and decreed the condemnation and forfeiture to the United States of the product, with the proviso that upon the payment of costs and the execution and delivery of a bond in the sum of \$500 by the Scudders-Gale Grocer Co., claimants, in conformity to section 10 of the Food and Drugs Act, the goods seized shall be released and delivered to them.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 5, 1911.*

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