

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2055.

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

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### MISBRANDING OF CONFECTIONERY.

On June 28, 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 George E. Sauerston and Frank D. Brown, copartners, doing business under the firm name of Sauerston & Brown, Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on October 21, 1911, from the State of Ohio into the State of Kentucky, of a quantity of confectionery which was misbranded. The product was labeled: (On each package) "Honey Maples Sauerston & Brown, Cincinnati, Ohio. U. S. Serial Number 4117." (On each individual piece of candy) "Favorite Honey Maples. Manufactured by Sauerston & Brown, Cincinnati, O."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Polarization at 22.5° C., direct, +83.6° V.; invert, +52.0° V.; invert, at 87° C., +53.6° V.; commercial glucose, 32.88 per cent; sucrose, Clerget, 24.04 per cent; sucrose, by copper, 22.53 per cent; reducing sugar as invert, before inversion, 15.88 per cent, after inversion, 39.6 per cent; soluble solids, 49.30 per cent; ash on soluble solids on 100 gram sample, 1.174; insoluble ash, 0.210 per cent; soluble ash, 0.964 per cent; alkalinity of soluble ash, 52.0 cc; malic acid, negative; insoluble solids consist chiefly of cocoanut. Misbranding of the product was alleged in the information for the reason that it was labeled and branded as set forth above so as to deceive and mislead the purchaser thereof, in that said label and brand was calculated and in-

tended to and did create the impression and belief in the mind of the purchaser that the product was composed of honey and maple sugar, whereas in truth and in fact it consisted of a mixture of commercial glucose, sucrose, and cocoanut and did not possess, either in flavor or substance, the qualities and characteristics of either honey or maple sugar; that the label and brand on said product bore a statement regarding it and the ingredients and substances contained therein, which statement, to wit, "Honey Maples," was false, misleading, and deceptive, in that it purported and represented the product to consist of and possess the flavors of honey and maple sugar, whereas, in truth and in fact, it did not consist of maple sugar, but was, in fact, a mixture of commercial glucose, sucrose, and cocoanut, with no flavor of either honey or maple sugar; that the name of the guarantor, namely, the firm of Sauerston & Brown, was not stated on the guaranty legend appearing on the label and brand as aforesaid, as required by the regulations, to wit, Food Inspection Decision No. 99, and the guarantee as it appeared upon the label and brand, to wit, "U. S. Serial No. 4117," was misleading and deceptive and constituted a misbranding under the Food and Drugs Act, in that it tended to create the impression and belief that the product was guaranteed by the United States Government to be pure and to conform in all respects to the provisions of the Food and Drugs Act, whereas such was not the fact and was untrue and false.

On July 12, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$25 with costs of \$14.65.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 2, 1912.*