

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2080.

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

MISBRANDING OF SORGHUM SYRUP.

On June 22, 1912, the United States Attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases of sorghum syrup remaining unsold in the original unbroken packages and in possession of McCord Brady Co., a corporation, Cheyenne, Wyo., alleging that the product had been shipped from the State of Illinois into the State of Wyoming and charging misbranding in violation of the Food and Drugs Act. Nine of the cases were labeled: "1 Doz. No. 5 Cans Advo Pure Sorg. 5 lbs. net weight." and each can in said cases was labeled "Net weight 5 lbs." Seventeen of the cases were labeled: " $\frac{1}{2}$ Doz. No. 10 Cans Advo Pure Sorg. 10 lbs. net weight" and each can in said cases was labeled "Net Weight 10 lbs."

Misbranding of the product was alleged in the libel for the reason that it was in package form and the labels on each of the cans were stated in terms of weight and were not correctly stated, being labeled as set forth above, whereas in truth and in fact the cans contained in the 9 cases referred to did not contain 5 pounds each of sorghum as by the label was indicated, purported, and intended, but instead contained a much smaller amount, to wit, an average of 4.8 per cent less than 5 pounds weight of sorghum, and whereas, in truth and in fact, the cans contained in the 17 cases referred to did not contain 10 pounds each of sorghum, as by their label was indicated, purported,

and intended, but instead contained a much smaller amount, to wit, an average of 3.5 per cent less than 10 pounds weight of sorghum.

On July 15, 1912, the D. B. Scully Syrup Co., a copartnership, Chicago, Ill., claimants, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*

2080

