

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 2383.

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

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#### MISBRANDING OF SYRUP.

On November 20 and November 22, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 175 cases of syrup remaining unsold in the original unbroken packages and in possession of the Interstate Grocer Co., a corporation, Joplin, Mo., alleging that the product had been shipped on or about July 18, 1912, and on or about October 8, 1912, by the D. B. Scully Co., a corporation, Chicago, Ill., and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. Some of the cases were labeled: "One doz. No. 5 Cans Breakfast Corn Syrup." Some of the cases were labeled: "One-half dozen No. 10 cans Breakfast Corn Syrup." The cans in the cases were labeled variously as follows: "Fancy Trade Mark The Interstate Grocer Company, Joplin, Mo. Breakfast Drips. Packed for the Interstate Grocer Company, Joplin, Mo. 90% Corn Syrup 10% Refiners Syrup. Full Weight, Choice Quality." "Fancy Brand The Interstate Grocer Company Trade Mark Joplin Mo. Breakfast Drips 90% corn syrup, 10% Refiners Syrup Put up expressly for The Interstate Grocer Co. Joplin, Mo." "Fancy The Interstate Grocer Company Trade Mark Joplin Mo. Breakfast Drips 90% Corn Syrup, 10% Refiners Syrup. Full weight Packed for The Interstate Grocer Co. Joplin, Mo."

Misbranding of the product was alleged in the libels for the reason that, whereas it was stated on each of the labels upon said cases and cans and each of them that there was contained in the product 90 per cent of corn syrup and 10 per cent of refiners syrup, in truth and in fact the product contained 85 per cent of commercial glucose, and the labels so upon said cases and cans were misleading, false, and

untrue, and each of them deceived and misled the purchaser into believing that he was purchasing a product containing 90 per cent of corn and 10 per cent refiners syrup, whereas, in truth and in fact, he was purchasing a product containing 85 per cent of commercial glucose, and the cases and cans and each of them were further misbranded and the labels thereon were further false and misleading, in that there was contained upon each of said cans the words "Fancy Breakfast Drips," or "Breakfast Drips," which indicated a syrup obtained by draining crystallized sugar, and said words were false and misleading, in that the product was not obtained by the draining of crystallized sugar but contained 85 per cent of commercial glucose.

On December 7, 1912, the D. B. Scully Syrup Co., Chicago, Ill., claimant, having admitted the averments of the libels and consented to a decree, judgments of condemnation and forfeiture were entered and it was further ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceeding and the execution of bond in the sum of \$1,500 in conformity with section 10 of the Act.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 3, 1913.*

2383

