

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2390.

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

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### MISBRANDING OF DRIPS.

On October 9, 1912, the United States Attorney for the District of Oregon, 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 150 cases of Saratoga Drips, 70 cases of White Diamond Drips, and 85 cases of Butter Scotch Drips, remaining unsold in original unbroken packages and in possession of the Mason-Ehrman Co., Portland, Oreg., alleging that the product had been shipped on or before October 5, 1911, by the Long Syrup Refining Co., San Francisco, Cal., and transported from the State of California into the State of Oregon and charging misbranding in violation of the Food and Drugs Act. The Saratoga Drips were labeled: (On cases) "Twelve (12) One (1) Gal., (or as the case might be Twenty (20) One-half ( $\frac{1}{2}$ ) Gal., or Twenty-four (24) Quart) cans, Long Syrup Refining Co., Saratoga Drips, San Francisco, Calif., U. S. A., Longs. This Side Up. Guaranteed by Long Syrup Refining Co., San Francisco, Calif., U. S. A., Serial No. 20599." (On cans) "Long's Saratoga Drips, Manufactured By Long Syrup Refining Co., San Francisco, Cal. The Contents of This Package Are Composed of Corn And Cane Syrup, Maple Flavor Guaranteed By Long Syrup Refining Co. Under The Food and Drugs Act, June 30, '06, Serial No. 20599."

Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive purchasers and to convey the impression that the products were obtained by draining crystallized sugar. Misbranding was alleged for the further reason that the following portion of the label, "The contents of this package are composed of corn and cane syrup, maple flavor," was printed in inconspicuous, small sized type so as to deceive and mislead the purchaser. Misbranding of the 10 cases of quart cans of Saratoga Drips was alleged for the reason that the labels thereon were intended to deceive the purchasers and to convey the impression that the product was obtained by draining crystallized sugar, and further, in that the following portion of the label, "The contents of this

package are composed of corn and cane syrup, maple flavor", was printed in inconspicuous and small type so as to deceive and mislead the purchaser into the belief that the product was obtained by draining crystallized sugar, when, in truth and in fact, said product was composed of 65.2 per cent of glucose. Misbranding was alleged for the further reason that the said quart cans did not contain one quart of Saratoga Drips but contained a less amount, to wit, 93.65 per cent. Misbranding of the 90 cases of half-gallon cans of the product was alleged for the reason that said cans did not contain one-half gallon of the product but a less amount, to wit, 94.14 per cent of one-half gallon. Misbranding of the 50 cases of one gallon cans of the product was further alleged for the reason that said cans did not contain one gallon of the product but a less amount, to wit, 97.3 per cent of one gallon.

The White Diamond Drips was labeled: (On cases) "Twenty (20) One-half ( $\frac{1}{2}$ ) Gallon (or as the case might be Twelve (12) One (1) Gal.) Cans Long Syrup Refining Co., White Diamond Drips San Francisco, Cal., U. S. A., Long's This Side Up Guaranteed By Long Syrup Refining Co., San Francisco, Cal., U. S. A. Serial No. 20,599." (On cans): "Long's White Diamond Drips. Manufactured and Guaranteed By Long Syrup Refining Co., San Francisco, Cal., U. S. A. Under The Food and Drugs Act June 30th, '06. Serial No. 20599. The Contents of this Package Are Composed of Corn and Cane Syrup."

Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive the purchaser and to convey the impression that the product was obtained by draining crystallized sugar, and further, in that the words, "Composed of corn and cane syrup," were printed at the bottom of the label far away from the main portion thereof and in inconspicuous type so as to deceive the purchaser and to convey the impression that the product was obtained by draining crystallized sugar, when in truth and in fact it was composed of, to wit, 88.6 per cent of glucose. Misbranding of the one-half gallon cans of the product was alleged for the reason that each of said cans did not contain one-half gallon of the product but a less amount, to wit, 94.06 per cent of one-half gallon, and the one gallon cans of the product were alleged to have been misbranded in that each of said cans did not contain one gallon of the product but a less amount, to wit, 98.73 per cent of one gallon.

The Butter Scotch Drips were labeled: (On cases) "Twenty (20) One-half ( $\frac{1}{2}$ ) Gal. (or as the case might be, Twelve (12) one (1) Gal.) Cans Long Syrup Refining Co., Butter Scotch Drips San Francisco Calif., U. S. A., Long's This Side Up. Guaranteed By Long Syrup Refining Co., San Francisco, Calif., U. S. A., Serial No. 20599."

(On cans) : "Long's Butter Scotch Drips Long Syrup Refining Co., San Francisco, Calif., U. S. A. The contents of This Package Are Composed of Corn and Refined Cane Syrup. Guaranteed By Long Syrup Refining Co., Under The Food and Drugs Act, June 30, 1906, Serial No. 20599."

Misbranding of this product was alleged in the libel for the reason that the labels thereon were intended to deceive and mislead the purchaser into the belief that the product was obtained by draining crystallized sugar and the gallon and one-half gallon cans of the product were further misbranded in that the labels thereon, particularly the words "Composed of corn and refined cane syrup", were printed at the bottom of the label far away from the main portion thereof and in small and inconspicuous type so as to deceive the purchaser and convey the impression that the product was obtained by draining crystallized sugar, when, in truth and in fact, it was composed of and contained a large amount of glucose, to wit, 57.6 per cent. Misbranding of the one-half gallon cans was alleged for the further reason that each of said cans did not contain one-half gallon of the product but a less amount, to wit, 94.6 per cent of one-half gallon; and the gallon cans of the product were misbranded for the reason that each of said cans did not contain one gallon of the product but a less amount thereof, to wit, 97.33 per cent of one gallon.

On October 23, 1912, upon motion of the United States Attorney, it was ordered by the court that the product should be released and delivered to the said Mason-Ehrman Co., claimant, upon filing of bond in the sum of \$500, in conformity with section 10 of the Act, and the payment of the costs of the proceedings.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

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

