

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2725.

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

U. S. v. Jones Bros., Castleman & Blakemore. Plea of guilty. Fine, \$25 and costs.

MISBRANDING OF MOLASSES.

On July 20, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jones Bros., Castleman & Blakemore, a corporation (now the Castleman Blakemore Co.), Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on March 31, 1911, from the State of Kentucky into the State of South Dakota—

(1) Of a quantity of kettle molasses which was misbranded. This product was labeled: "Gold Seal * * * Guaranteed Fancy Kettle Molasses. Torbitt & Castleman Branch. Jones Bros., Castleman & Blakemore, Inc., Louisville, Kentucky. 2½ lbs. Net Weight. This molasses has been clarified with sulphur and is in conformity with the Government ruling. Packed for Jewett Bros. & Jewett, Sioux Falls, S. D."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids by refractometer, 74.04 per cent; nonsugar solids, 17.29 per cent; sucrose, Clerget, 33.25 per cent; reducing sugars as invert before inversion, 23.50 per cent; commercial glucose (factor 163), none; polarization direct at 25° C., 26.65° V.; polarization invert at 25° C., -16.65° V.; polarization invert at 87° C., 0.0° V.; ash, 5.60 per cent; tin, none;

weight, 37½ ounces, 37 ounces, 35 ounces, average 36½ ounces. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which said statement upon the packages or labels was false and misleading, regarding the weight of said product, in that each of the packages did not weigh as much as 2½ pounds net weight, but much less; and said statement was false and misleading in that the product was labeled and branded so as to deceive and mislead a purchaser thereof to believe that the net weight of each of the packages, to wit, cans, was 2½ pounds, whereas, in truth and in fact, each did not weigh as much as 2½ pounds net weight, but much less; and said statement was false and misleading in that the product was in package form and the contents of the packages, to wit, cans, were stated in terms of weight, but not correctly stated, on the outside of each of the packages, in that the weight so stated was as follows, to wit, "2½ lbs. Net Weight," whereas, in truth and in fact, each of the cans did not weigh as much as 2½ pounds net weight, but weighed much less.

(2) Of a quantity of New Orleans molasses which was misbranded. This product was labeled: "5 Lbs. net wgt. Plantation Brand Pure New Orleans Molasses, packed for Jewett Bros. & Jewett, Sioux Falls, S. D. This molasses has been clarified with sulphur and is in conformity with the Government ruling."

Examination of a sample of this product by said Bureau of Chemistry showed the following results: Solids by refractometer, 77.85 per cent; nonsugar solids, 19.57 per cent; sucrose, Clerget, 30.45 per cent; reducing sugars as invert before inversion, 27.83 per cent; commercial glucose (factor 163), none; polarization direct at 25° C., 26.65° V.; polarization invert at 25° C., -13.0° V.; polarization invert at 87° C., 1.3° V.; ash, 6.42 per cent; tin, none; weight, 75.3 ounces, 79 ounces, 79.5 ounces, average, 77.93 ounces. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which said statement borne upon each of the packages and labels was false and misleading regarding the weight of said product in that each of the packages, to wit, cans, did not weigh as much as 5 pounds net weight, but weighed much less than 5 pounds net weight, and said statement was false and misleading in that the product was labeled and branded so as to deceive and mislead the purchaser thereof to believe that the net weight of each of the packages was 5 pounds, whereas, in truth and in fact, each of them did not weigh as much as 5 pounds net weight, but much less; and said statement was further false and misleading in that the product was in package form and the contents thereof were stated in terms of weight on each of them, but the weight of each was not correctly stated on the outside thereof in that the weight so stated

was as follows, to wit, " 5 lbs. net wgt." whereas in truth and in fact, each of the packages, to wit, cans, did not weigh as much as 5 pounds net weight, but weighed much less than 5 pounds net weight.

On March 11, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

C. F. MARVIN,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 8, 1913.*

2725

