

case duly came on for trial and the court adjudged the product to be adulterated and misbranded; and upon the filing by claimant of a good and sufficient bond under the provisions of the decree hereinbefore set forth, the goods were released.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., October 17, 1908.

(N. J. 24.)

ADULTERATION AND MISBRANDING OF MOLASSES.

(Admixture of glucose)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 29th day of July, 1908, in the district court of the United States for the western division of the western district of Tennessee in a proceeding of libel for condemnation of 139 cases (1,656 cans) of adulterated and misbranded molasses, wherein the United States was libellant and the White, Wilson, Drew Company of New Orleans, La., was claimant, the cause having come on for hearing, and the said claimant having failed to answer, a decree of forfeiture and condemnation was rendered by the court in form and in substance as follows:

United States District Court, Western Division of the Western District of Tennessee.

THE UNITED STATES OF AMERICA	}
vs.	
1,656 CANS OF MOLASSES CONTAINED IN 139 CASES.	

In this cause it appearing to the court, the United States, by Casey Todd, acting United States attorney, and the White, Wilson, Drew Company of New Orleans, La., the claimants and owners of the property seized herein, by their manager, W. S. McCann, consenting thereto, that under the process issued in this cause, the 1,656 cans of molasses branded "Early Bird Brand Sugar House Molasses, put up for W. C. Early and Company, Memphis, Tenn.," and "Louisiana Sugar House Molasses and Grape Sugar in Solution Mixed," were seized by the United States marshal in the W. C. Early & Co. warehouse, in the city of Memphis, Shelby County, Tenn., and that the same were subject to seizure and confiscation by the United States, for the causes set forth in the libel herein, that is to say, for the reason that said 1,656 cans of molasses contained a large per cent of glucose, which had been substituted in part for the said molasses, and the said brands on the said cans were misleading and calculated to deceive purchasers.

And it further appearing by like consent that the said White, Wilson, Drew Company of New Orleans have agreed that an order may be entered at once, condemning and confiscating the said property to the United States.

It is further ordered, adjudged, and decreed that the said 1,656 cans of molasses above described, now in the possession of the marshal of this court, be and the same are hereby declared to be forfeited and confiscated to the United States.

It is further ordered, however, that upon payment by the said White, Wilson, Drew Company, of New Orleans, of the costs of this proceeding and the execution and delivery of a good and sufficient bond to be filed with the clerk of this court, conditioned that said 1,656 cans of molasses shall not be sold or otherwise disposed of contrary to the provisions of chapter 3915 of the act of the Fifty-ninth Congress, commonly known as the Pure Food and Drug Act, or contrary to the laws of Tennessee, then the marshal of this court is hereby directed to deliver said 1,656 cans of molasses to the White, Wilson, Drew Company, of New Orleans, or to their representative.

But in the event the said White, Wilson, Drew Company, of New Orleans, shall fail to pay the costs of this proceeding, or fail to give the bond as above provided, within fifteen days from the date of entry of this order, then the marshal of this court is hereby directed, after first properly branding said 1,656 cans of molasses, to advertise the same for sale in some newspaper published in the city of Memphis for a period of fifteen days and sell the same on the premises of the W. C. Early Company warehouse in Memphis, Tenn., for cash to the highest bidder.

(Signed) O. K. CASEY TODD,
Acting U. S. Attorney.
 O. K. W. S. McCANN,
 For WHITE, WILSON, DREW Co.

Enter this.

McCALL, J.

The facts of the case were as follows:

On or about July 17, 1908, an inspector of the Department of Agriculture found in the possession of the W. C. Early Company, Memphis, Tenn., 139 cases containing 1,656 cans of a product, each can being branded "Early Bird Brand Sugar House Molasses, put up for W. C. Early Company, Memphis, Tennessee." On another part of the label appeared the statement "Louisiana Sugar House Molasses and Grape Sugar, in Solution Mixed." The goods were shipped from New Orleans to the W. C. Early Company by the White, Wilson, Drew Company on October 28, 1907, January 15, 18, and July 5, 1908. A sample of the product was procured and analyzed in the Bureau of Chemistry, Department of Agriculture, and the following results obtained and stated:

Polarization at 20° C.:

Direct (°V.)	+78.0
Invert (°V.)	+39.0

Polarization at 86° C.:

Invert (°V.)	+50.0
Sucrose (per cent)	29.3
Glucose (per cent)	27.8
Dextrin (per cent)	4.0

It was evident that the product was adulterated within the meaning of section 7 of the act, in that glucose had been substituted in part for molasses, thereby reducing its quality and strength, and that it was misbranded under section 8 of the act, for the reason that the label represented the content of the cans to be molasses containing a solution of grape sugar, while, as a matter of fact, the product was a mixture of molasses and glucose.

On July 20, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the Western District of Tennessee, and libel for seizure and condemnation under section 10 of the act was duly filed. On the 23d day of July the said White, Wilson, Drew Company, claimant, appeared, waived the publication of monition and consented to entry of an order condemning and confiscating the molasses to the United States, whereupon the court adjudged the molasses adulterated and misbranded, and upon the filing by claimant of a good and sufficient bond, in accordance with section 10 of the act and under the provisions of the decree hereinbefore set forth, the goods were released.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 17, 1908.*