

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

---

#### NOTICE OF JUDGMENT NO. 209, FOOD AND DRUGS ACT.

---

##### MISBRANDING OF SYRUP.

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 6th day of July, 1909, in the District Court of the United States for the District of Colorado, judgment was rendered in the case of the United States against the Baker Preserving Company, a corporation, of Denver, Colo., a prosecution upon an information in substance charging said defendant with having shipped from the State of Colorado into the State of Nebraska 12 quart bottles containing syrup branded and labeled: "Baker & Co's Cane & Maple Sugar Syrup Denver, Colo.," which branding and labeling was misleading in this, that the words "cane &" were so placed thereon as to be practically invisible, wherefore it was branded and labeled so as to deceive and mislead the purchaser thereof, as the contents of said bottles consisted almost entirely of cane sugar syrup with a very small amount of maple syrup.

The defendant pleaded guilty to the information on the aforesaid date and the court imposed upon him a fine of \$10 and costs, amounting to \$20.15.

The facts on which the prosecution was based were as follows:

An inspector of the United States Department of Agriculture purchased from M. H. McAleese, at Benkleman, Nebr., a sample of the syrup labeled as heretofore described, which was taken from a consignment shipped to said dealer by the defendant from Denver, Colo. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture, and found to consist almost entirely of cane sugar syrup and a very little maple syrup. It was concluded from the analysis that the syrup was misbranded and

the said Baker Preserving Company and the said M. H. McAleese, were duly notified of the charge and given an opportunity to be heard and were heard in regard to said misbranding; whereupon, it appearing that there had been a violation of the act, the Secretary of Agriculture, on June 15, 1909, reported the facts to the Attorney General. The case was referred to the United States Attorney for the District of Colorado, who filed the information against the Baker Preserving Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1910.*

