

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 2205.

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

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#### MISBRANDING OF SYRUP.

On August 5, 1912, the United States Attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Farrell & Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 18, 1911, from the State of Nebraska into the State of Iowa, of a quantity of syrup which was misbranded. The product was labeled: "4 lbs. Net. Farrell's Wedding Breakfast cane and Maple Sugar Syrup. (Design) Farrell & Co., Omaha, Neb. Serial No. 7015. Guaranteed by Farrell & Co. Under the Food and Drugs Act, June 30th, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids by refraction, 66.45 per cent; non-sugar solids, 0.12 per cent; sucrose, Clerget, 64.68 per cent; reducing sugars as invert before inversion, 1.65 per cent; commercial glucose (factor 163), none; polarization, direct at 25° C., 63.8° V.; polarization, invert at 25° C., -20.4° V.; polarization, invert at 87° C., 0.0; ash, 0.09 per cent; ash, soluble in water, 0.07 per cent; ash, insoluble in water, 0.02 per cent; ratio soluble to insoluble ash, 1:0.3; alkalinity soluble ash (cc N/10 acid per 100 grams), 6.0; lead precipitate, Winton number, 0.14; weight, 3 pounds 11.2 ounces; 3 pounds 12 ounces; 3 pounds 11 ounces; 3 pounds 12 ounces; 3 pounds 12.6 ounces; average weight, 3 pounds 11.7 ounces; average shortage, 6.7 per cent; organoleptic test, very little maple, if any. Misbranding of the product was alleged in the information for the reason that the statement, "4 lbs. net", borne on the label, was false and misleading because it deceived and misled the purchaser into the belief that the contents of the package on which the label was borne weighed 4 pounds, whereas, in truth and in fact, it did not weigh 4 pounds, but a less amount, to wit, 3 pounds 11.7 ounces average net weight. Misbranding was alleged for the further

reason that the product was in package form and the contents stated in terms of weight on the outside thereof, but not correctly stated, said contents being labeled as 4 pounds, net weight, whereas, in truth and in fact, the packages contained less than 4 pounds, to wit, 3 pounds 11.7 ounces.

On November 1, 1912, defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 15, 1913.*

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