

Issued April 30, 1913.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 2231.

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

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#### MISBRANDING OF SYRUP.

On September 24, 1912, the United States Attorney for the Eastern District of Missouri, 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 50 cases, each containing 24 two-pound cans; 75 cases, each containing 12 five-pound cans; and 75 cases, each containing 6 ten-pound cans of syrup, remaining unsold and in the original unbroken packages and in the possession of the Adam Roth Grocery Co., St. Louis, Mo., alleging that the product had been shipped by the J. C. Hubinger Bros. Co., Keokuk, Iowa, and transported from the State of Iowa into the State of Missouri, during the month of September, 1912, and charging misbranding in violation of the Food and Drugs Act. Fifty of the cases were labeled: "24 Cans, 2 lbs., Squirrel Brand Table Syrup, Adam Roth Gro. Co., St. Louis, Mo." Seventy-five of the cases were labeled: "12 Cans, 5 lbs., Squirrel Brand Table Syrup, Adam Roth Gro. Co., St. Louis, Mo." Seventy-five of the cases were labeled: "6 Cans, 10 lbs., Squirrel Brand Table Syrup, Adam Roth Gro. Co., St. Louis, Mo." The cans were labeled: "Corn Syrup 90% Refiners Syrup, 10% Squirrel Brand Table Syrup. (Design, Squirrel) Trade Mark. Adam Roth Grocery Co., St. Louis. Squirrel Brand Table Syrup, Trade Mark, Adam Roth Grocery Co., St. Louis, Mo." Upon part of the labels, on the cans, the words "distributed by" appeared immediately above the firm name "Adam Roth Grocery Co."

Misbranding of the product was alleged in the libel for the reason that the cases and cans containing it bore statements, designs, and devices regarding the ingredients and substances contained therein which were false and misleading, in that the background of said labels upon the cases and cans was a dark blue color, and the lettering and labeling thereon was in white letters, except the statement "Corn

Syrup 90%. Refiner's Syrup 10%," which statement appeared on the labels in black type of a different shade, and was so obscured and indistinct that said declaration and statement of the composition of the product would not ordinarily be observed, and the purchaser thereof would be misled and deceived thereby, and the words "Squirrel Table Syrup" appearing on the labels were in plain and distinct letters, and did not inform or convey to the consumer or purchaser the impression or information that the product so branded consisted largely, if not altogether, of glucose or corn syrup, but would deceive and lead the purchaser to believe that the product was cane syrup. Misbranding was alleged for the further reason that the cases and cans bearing labels and statements set forth above, from which the words "distributed by" were omitted preceding the words "Adam Roth Grocery Company, St. Louis," were thereby falsely branded as to the State in which the product was manufactured and purchased, for the reason that said product was manufactured and purchased in the State of Iowa, and not in the State of Missouri.

On November 9, 1912, the said Adam Roth Grocery Co., claimant, having consented to a decree and all matters in issue having been submitted to the court, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to the claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 20, 1913.*