

Issued May 21, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2331.

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

MISBRANDING OF SYRUP.

On November 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. N. Johnson Co., a corporation, Bellefontaine, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on December 19, 1911, from the State of Ohio into the State of Kentucky, of a quantity of syrup which was misbranded. The product was labeled: (On cases) "2 doz. Pint 12 oz. bottles Native Purity Pure Maple Syrup. Packed by the F. N. Johnson Co., Bellefontaine, O. U. S. A." (On bottles) "Native Purity Trade Mark (Maple Camp Scene) Pure Maple Syrup. Put up by The F. N. Johnson Co., Bellefontaine, Logan Co., O., Guar., etc. S. N. 1687."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: Bottle No. 1, 380 cc; shortage, 19.68 per cent. Bottle No. 2, 360 cc; shortage, 23.96 per cent. Bottle No. 3, 370 cc; shortage, 21.80 per cent. Average, 370 cc; shortage, 21.81 per cent. Misbranding of the product was alleged in the information for the reason that the label and brand thereon bore a statement regarding the product, which said statement, to wit "2 doz. Pint 12 oz. bottles," was false, misleading, and deceptive in that it purported and represented that each of the bottles contained one pint of syrup, whereas, in truth and in fact, the net contents of a number of said bottles measured less than one pint, the average shortage thereof being 21.81 per cent. Misbranding was alleged for the further reason that the product was labeled and branded so as to mislead and deceive the purchaser thereof into the

belief that the net contents of each of the bottles measured one pint, whereas, in truth and in fact, the net contents of a number of said bottles measured less than one pint, the average shortage thereof being 21.81 per cent. Misbranding was alleged for the further reason that the label and brand on the product bore a statement in terms of weight or measure of the contents of the bottles, as follows, to wit, "2 doz. Pint 12 oz. bottles," which said statement was not correct, but was untrue and false in that each of the bottles did not contain one pint of the product, and a number of said bottles measured less than one pint, the average shortage thereof being 21.81 per cent.

On December 3, 1912, the defendant company entered a plea of nolo contendere and the court imposed a fine of \$5 and costs of \$15.75.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1913.*

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