

4064. Misbranding of "Piney Woods Brand Georgia Cane Syrup." U. S. v. South Georgia Syrup Co. Tried to the court and a jury. Verdict of guilty. Fine, \$25 and costs. (F. & D. No. 5474. I. S. No. 6033-e.)

On December 15, 1914, the United States attorney for the Southern District of Georgia, 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 South Georgia Syrup Co., a corporation, Cairo, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 21, 1912, from the State of Georgia into the State of Florida, of a quantity of "Piney Woods Brand Georgia Cane Syrup" which was misbranded. The product was labeled: (Principal label) "Piney Woods Brand Georgia Cane Syrup 'De Syrup Dat Takes De Cake' Canned where the cane grows South Georgia Syrup Co. Valdosta, Ga., U. S. A." (Reverse label) "Piney Woods Brand Georgia Cane Syrup These goods are made from the pure juice of the Georgia cane and nothing else, contain all the original substance of the cane plant. Made in the old-fashioned way in open kettles and evaporators without the use of lime, sulphur, acid or any other foreign substance. Strictly a pure farm made sugar cane syrup, free from mixtures or adulteration of any kind. Guaranteed to meet all pure food requirements whether foreign, national, state or municipal. Packed while fresh during the grinding season in sealed cans and will retain its freshness and delicacy of flavor indefinitely till the can is opened then it should be kept in a cool place. We Guarantee this Package to Contain a High Grade 100% Pure Georgia Cane Syrup Every can provided with 'Taylor's Success Cap' the handiest cap for housekeepers. To open can lift off top cap and cut hole in under cap. South Georgia Syrup Co. Valdosta, Ga., U. S. A." (On sides) "Average net wt. not less than 27.112 ozs. SGSCo."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results:

Can No.—	Average net weight.	Shortage.	Excess.	Can No.—	Average net weight.	Shortage.	Excess.
	<i>Ounces.</i>	<i>Per cent.</i>	<i>Per cent.</i>		<i>Ounces.</i>	<i>Per cent.</i>	<i>Per cent.</i>
1.....	25.40	6.32	.....	8.....	26.36	2.77	.....
2.....	24.20	10.74	.....	9.....	27.25	.....	0.51
3.....	26.30	2.99	.....	10.....	25.71	5.17	.....
4.....	24.06	11.26	.....	11.....	23.10	14.80	.....
5.....	25.20	7.05	.....	12.....	26.76	1.29	.....
6.....	24.06	11.26	.....			
7.....	27.26	.....	0.55	Average.....	25.47	6.06	.....

Misbranding of the article was alleged in the information for the reason that each of the 30 cans comprising the shipment bore the following statement, to wit, "Average net wt. not less than 27.112 ozs.," which said statement was false and misleading in that each of said 30 cans did not contain 27.112 ounces of sirup as represented, but in fact contained a less amount of sirup, to wit, 25.47 ounces. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser in the following particulars, to wit, 30 cans thereof purported and were represented to contain 27.112 ounces of sirup, whereas in fact the same contained a less amount of sirup, to wit, 25.47 ounces.

On June 18, 1915, the case having come on for trial before the court and a jury, after submission of evidence and arguments by counsel, the court delivered its charge to the jury, and thereafter the jury returned a verdict of guilty, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 17, 1915.