

5078. Misbranding of cane sirup. U. S. * * * v. Georgia Cane Product Co., a corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 7263. I. S. No. 11102-I.)

On June 14, 1916, the United States attorney for the Northern 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 Georgia Cane Product Co., a corporation, Columbus, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 15, 1915, from the State of Georgia into the State of Texas, of a quantity of cane sirup, which was misbranded. The article was labeled in part: "Williams' Pure Georgia Cane Syrup, Georgia Cane Product Co., Columbus, Ga. * * * Net weight 9 Lbs. and 3 Ozs."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the average net weight of 3 packages to be 8 pounds, 4.05 ounces, or a shortage of 10.17 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 9 Lbs. and 3 Ozs.", borne on the label attached to the can containing it was false and misleading in that it represented that the contents of said can weighed 9 pounds and 3 ounces; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of said can weighed 9 pounds and 3 ounces, whereas, in truth and in fact, said contents did not, but weighed a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*