

In view of the fact that no exception was taken to the answer of the witness, his proposed modification, and modification on cross-examination, we do not see that the defendant was prejudiced by the question.

With respect to the remaining objections as to whether the remedies contain any alkaloids, mercury, salicylates, arsenic, or other medicines of a similar nature; as to the effect of giving Kar-Nitum to certain cattle; as to the food value of the sugar, starch, etc., found in Kar-Ru and Kar-Kol; as to the classification of various diseases; the cost of homeopathic remedies; the exclusion of a letter written by some one in New Jersey addressed to Mr. Hebb concerning the administration of Kar-Kol to hogs; and as to the potency of certain of the remedies in some of the articles mentioned, we find no substantial error on the part of the court in its ruling upon these questions. The testimony was admitted under well-known rules of evidence or was without prejudice to the defendant.

The judgment of the court below is affirmed.

Thereafter the defendant company, by counsel, filed its petition for a rehearing before said Circuit Court of Appeals, and on July 6, 1920, said petition was denied by the court.

E. D. BALL, *Acting Secretary of Agriculture.*

S022. Adulteration and misbranding of Green Mountain Syrup. U. S. * * * v. Scudder Syrup Co., a Corporation. Plea of guilty. Discharged upon payment of costs. (F. & D. No. 9111. I. S. No. 8734-p.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, 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 Scudder Syrup Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 12, 1917, from the State of Illinois into the State of Alabama, of a quantity of an article, labeled in part "Green Mountain Syrup Scudder Syrup Co. Chicago," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed principally of corn sirup and cane sirup.

Adulteration of the article was alleged in substance in the information for the reason that a mixture composed of corn sirup and cane sirup had been substituted in whole or in part for Green Mountain sirup, to wit, maple sirup, which the article purported to be.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Green Mountain Syrup," borne on the containers containing the cans which contained the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was Green Mountain sirup, to wit, maple sirup, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was Green Mountain sirup, to wit, maple sirup, whereas, in truth and in fact, it was not Green Mountain sirup, to wit, maple sirup, but was a mixture composed of corn sirup and cane sirup. Misbranding was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 22, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered its discharge on the payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*