

16850. Adulteration and misbranding of Wood's Special Quality sweetener. U. S. v. 2 Tins of Wood's Special Quality Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14878. I. S. No. 6430-t. S. No. E-3320.)

On April 18, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 tins of Wood's Special Quality sweetener at Sayreville, N. J., alleging that the article had been shipped by the W. B. Wood Manufacturing Co., St. Louis, Mo., on or about March 29, 1921, and transported from the State of Missouri into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Quality Sweetener * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that substances, to wit, sucrose and saccharin, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that substances, to wit, sucrose and saccharin, had been substituted wholly or in part for food sweetener, to wit, sugar, which the article purported to be; and in that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the labels bore the statement, to wit, "Wood's Special Quality Sweetener," which was false and misleading in that the statement led the purchaser to believe that the article was a concentrated sugar or sweetener of special quality and strength, whereas it was not sugar and was not a sweetener of special quality and strength, but was a product composed of a mixture of saccharin and sucrose. Misbranding was alleged for the further reason that the article was a product composed of sucrose and saccharin prepared in imitation of sugar in crystal form and was offered for sale in said form; for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a concentrated sugar of special quality, whereas it was not; for the further reason that the labels thereof misled the purchaser into the belief that the article was a specially prepared sugar for sweetening foods, whereas it was not a specially prepared sugar, but was composed of saccharin and sucrose.

On July 22, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*