

19774. Adulteration and misbranding of sirup. U. S. v. Chauvin Bros. Preserving Co. Plea of guilty. Fine, \$50. (F. & D. No. 27502. I. S. Nos. 24315, 24316.)

This action was based on the interstate shipment of two lots of sirup, in both of which samples were found to be short of the declared volume. Samples taken from one lot were found to contain added molasses.

On March 28, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Chauvin Bros. Preserving Co., a corporation, Burnside, La., alleging shipment by said company on or about April 22, 1931, in violation of the food and drugs act, from the State of Louisiana into the State of Mississippi of quantities of sirup, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the article was labeled in part: (Can) "Lucky Strike Brand Pure Open Kettle Sugar Cane Syrup Contents 3 Qts. 8 Fl. Oz." The remainder was labeled in part: "Louisiana Maid Pure Cane Syrup We guarantee this Syrup to be made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts—7 Fluid Ounces."

Adulteration was alleged in the information with respect to the Louisiana Maid sirup for the reason that an undeclared and added substance, to wit, molasses, had been substituted in part for pure sugar cane sirup, which the article purported solely to be.

Misbranding was alleged for the reason that the statement "Contents 3 Qts. 8 Fl. Oz." with respect to the Lucky Strike brand sirup, and "Pure Cane Syrup * * * We Guarantee this Syrup to be made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts 7 Fluid Ounces," with respect to the Louisiana Maid sirup, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser; since the said statements represented that the cans each contained the amount labeled thereon, and that the said Louisiana Maid sirup was pure cane sirup made exclusively from the pure juice of the sugar cane, whereas the cans in each lot contained less than labeled and the Louisiana Maid sirup was made in part from an added and undeclared substance, namely, molasses. Misbranding was alleged with respect to the Louisiana Maid sirup for the further reason that the article was offered for sale under the distinctive name of another article, namely, sugar cane sirup, which it purported solely to be. Misbranding was alleged with respect to both lots for the 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, since the quantity stated on the package was incorrect.

On April 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

19775. Misbranding of cottonseed cake and meal. U. S. v. Graco Milling Co. Tried to the court. Judgment in favor of the Government on two counts. Fine, \$200 and costs. Judgment for defendant on remaining 12 counts. (F. & D. No. 25020. I. S. Nos. 09602, 09603, 09604, 09608, 09611, 09636, 09645, 025850.)

This action was based on the interstate shipment of seven lots of cottonseed meal and cake. Samples taken from four of the consignments were found to contain less than 43 per cent of protein, the amount declared on the label, and certain sacks examined from the said shipments were also found to be short of the declared weight. In one of the remaining consignments, certain sacks were found to be short weight, and in the other two lots analyses showed less protein than declared.

On August 14, 1930, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information containing 14 counts, against the Graco Milling Co., a corporation, Sherman, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, between the dates of May 6, 1929 and September 27, 1929, from the State of Texas into the State of Kansas, and on or about November 13, 1929, from the State of Texas into the State of Colorado, of quantities of cottonseed meal and cottonseed cake that was misbranded. A portion of the article was labeled in part: (Tag) "100 Pounds Net Graco 43% Brand 43% Protein Prime Cottonseed Cake or Meal * * * Guaranteed Analysis Protein, not less than 43% * * * Manufactured by Graco Milling Company, Sherman, Texas. Cairo,