

On February 24, 1938, Mandell Bros. having appeared as claimant, admitting the truth of the allegations and consenting, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

28675. Adulteration and misbranding of maple butter compound. U. S. v. J. Roger Charbonneau and Joseph Charbonneau (New Bedford Specialty Co.). Pleas of guilty. Fines, \$20. (F. & D. No. 39813. Sample No. 20598-C.)

This product was represented to be home-made maple butter compound; whereas it was a compound of glucose, starch, sugar, and skim milk that contained little, if any, maple sugar.

On November 15, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Roger Charbonneau and Joseph Charbonneau, copartners, trading as New Bedford Specialty Co., New Bedford, Mass., alleging that on or about April 17, 1937, the defendants shipped from the State of Massachusetts into the State of Rhode Island a quantity of maple butter compound which was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled in part: "Home Made Maple Butter Compound E. R. Jodoin, S. Manchester, Conn. * * * Contains milk, glucose, corn starch, cane sugar and maple flavoring."

The article was alleged to be adulterated in that a mixture of glucose, starch, sugar, and skim milk in which there was little, or no, maple sugar, had been substituted for home-made maple butter, which it purported to be; and in that it was inferior to home-made maple butter and had been mixed in a manner whereby its inferiority to home-made maple butter was concealed.

It was alleged to be misbranded in that the statements, "Home Made Maple Butter" and "E. R. Jodoin, S. Manchester, Conn.," borne on the packages containing it were false and misleading and were borne on the packages so as to deceive and mislead the purchaser in that they represented that the article consisted wholly of home-made maple butter, and that it was made by E. R. Jodoin, S. Manchester, Conn.; whereas it did not consist wholly of home-made maple butter but consisted of glucose, starch, sugar, and skim milk and contained little, if any, maple sugar; in that it had been made by the New Bedford Specialty Co., New Bedford, Mass.; and in that it was a product prepared in imitation of home-made maple butter, and was offered for sale and sold under the distinctive name of another product, home-made maple butter.

On March 29, 1938, a plea of guilty was entered on behalf of each of the defendants, and the court imposed a fine of \$10 on each.

W. R. GREGG, *Acting Secretary of Agriculture.*