

an accurate statement of the quantity of the contents; Section 403 (i) (2), it failed to bear the common or usual name of each ingredient; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and a chemical preservative, and it failed to bear labeling stating that fact.

**DISPOSITION:** The case, on motion of the claimant, Charles Ferrari, Inc., was transferred from the District of New Jersey to the Southern District of New York and there consolidated with another action against the same product. On August 30, 1946, the claimant having admitted the allegations of the libels, judgment of condemnation was entered and both lots were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**11168. Adulteration and misbranding of maple sirup. U. S. v. 82 Jugs and 31 Jars \* \* \*. (F. D. C. Nos. 20294, 20513. Sample Nos. 63834-H, 63881-H.)**

**LIBELS FILED:** June 24 and July 11, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 22 and 25 and May 29, 1946, by H. Axt, from Newark, N. J.

**PRODUCT:** 82 1-gallon jugs and 31 1-gallon jars of maple sirup at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), (2), and (3), and misbranding, Section 402 (a), (e), (i), and (k). The labels and the adulteration and misbranding charges were the same as those in the case involving maple sirup reported in the preceding notice of judgment, No. 11167, with the exception that the 82-jug lot was not charged to contain artificial color or chemical preservative.

**DISPOSITION:** The case against the 82 jugs was consolidated with a case instituted in the District of New Jersey, which latter case had been transferred to the Southern District of New York. Subsequently, judgment of condemnation was entered in the consolidated case, as reported in the preceding notice of judgment.

On August 2, 1946, no claimant having appeared for the 31-jar lot, judgment of condemnation and destruction was entered; however, on August 27, 1946, the order of destruction was vacated, and the product was ordered delivered to charitable institutions.

**11169. Adulteration and misbranding of maple sirup. U. S. v. 299 Jars \* \* \* (and 5 other seizure actions). (F. D. C. Nos. 20295, 20527 to 20529, incl. 20573, 20574. Sample Nos. 8492-H, 8497-H, 15833-H, 53023-H, 53028-H.)**

**LIBELS FILED:** Between the dates of June 25 and August 2, 1946, Northern District of Ohio, District of Connecticut, and Eastern District of Michigan.

**ALLEGED SHIPMENT:** Between the approximate dates of April 19 and June 1, 1946, by Zall & Levinson, from Newark, N. J.

**PRODUCT:** Maple sirup. 617 gallons at Cleveland, Ohio; 294 gallons at New Haven and 60 gallons at Bridgeport, Conn.; and 95 gallons at Detroit, Mich. Analysis showed that the product was artificially flavored and colored sugar sirup, containing little, if any, maple sirup. Some of the lots contained undeclared benzoate of soda.

**LABEL, IN PART:** "Vermont Maple Syrup Pure."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, maple sirup, had been in whole or in part omitted from the article; Section 402 (b) (2), an artificially flavored and colored sugar sirup, containing little, if any, maple sirup, had been substituted in whole or in part for maple sirup; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavoring and coloring; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Vermont Maple Syrup Pure" was false and misleading; Section 403 (e), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients; and, Section 403 (k), the article contained artificial flavoring, artificial coloring, and (3 lots only) a chemical preservative, and it failed to bear labeling stating those facts.