

orator while hot. Guaranteed to retain its natural sweet flavor indefinitely," while upon the sides of the label in small type was the following legend: "Alaga Brand Syrup is a blend of Pure Ribbon Cane Syrup, with just enough corn syrup to keep the same from sugaring or souring. Its merit is what tells." This syrup had been shipped by the Alabama-Georgia Syrup Company from Montgomery, Ala., to the Oliver-Finnie Company, Memphis, Tenn., on February 6, 1909; April 7, 1909; May 5, 1909; and June 2, 1909. A sample of the syrup was subjected to analysis in the Bureau of Chemistry, United States Department of Agriculture, and the results showed the product to be composed of cane syrup and 28 per cent of glucose. It was evident that the product was adulterated and misbranded; adulterated, in that glucose had been mixed and packed with the cane syrup and substituted in part therefor, thereby reducing and lowering its quality and strength; and misbranded, in this, that the labels were so worded and bore such pictures and devices as to lead the purchaser to believe that he was purchasing a product made entirely from sugar cane, whereas it was a mixture of glucose and cane syrup. Accordingly, on June 26, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the western district of Tennessee, who duly filed a libel for seizure and condemnation of the goods, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*

(N. J. 128.)

MISBRANDING OF CANNED CORN.

(UNDER WEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of May, 1909, in the district court of the United States for the western district of Texas, in a proceeding of libel for condemnation of 430 cases of canned corn which were misbranded in this, that they were labeled "2 doz. 2 lb.," whereas the cans contained therein weighed less than 2 pounds; that is to say, an average of $1\frac{1}{2}$ pounds, wherein the United States were libelants and the Atlantic Canning Company, an unincorporated association of Atlantic, Iowa, was claimant, the said claimant having filed its answer and waived a jury and the parties having submitted the matter to the court upon an agreed statement of facts and the case having come on for final

hearing on the above-mentioned date, the court rendered its decree of forfeiture and condemnation in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF TEXAS, AT SAN ANTONIO.

THE UNITED STATES OF AMERICA, *Libelant*,
 v.
 430 CASES OF CANNED CORN. } No. 143, D. C. L.

DECREE OF CONDEMNATION.

On this the 7th day of May, A. D. 1909, at a regular term of said court sitting at the city of San Antonio, in said district, this cause regularly came on for trial, and it appearing to the court that upon the libel filed herein motion and warrant of arrest were duly issued and served on the — day of February, A. D. 1909, and that by virtue of said warrant the marshal has seized and now holds the 430 cases of canned corn of the approximate value of five hundred thirty-seven and 50/100 (\$537.50) dollars, containing two dozen cans to the case; the said 430 cases of canned corn, with contents, having been seized within the premises and in the possession of Caffarelli Brothers, a partnership composed of R. C. Caffarelli and F. P. Caffarelli, with a place of business at No. 111 to 115 Military Plaza, city of San Antonio, in said district, and now being stored in the custody of the said marshal, and it appearing that the Atlantic Canning Company, of Atlantic, Iowa, an unincorporated concern, the respondent herein, the owner of said 430 cases of canned corn, had duly filed an answer and waiver of further notice and summons herein, and were present in court by their agent, and also by their attorney of record herein, William Aubrey, esquire, and that due and legal notice and proclamation were given to all persons having or claiming to have any claim, right, or interest therein, or in or to said property, to appear on the same date and answer the said libel, and the said Caffarelli Brothers having been duly served as individuals, and as a partnership, and the said Atlantic Canning Company having so appeared by William Linnartz, their agent and representative, and William Aubrey, their attorney aforesaid, and filed their said answer to the said libel, and the libelant, appearing by Charles C. Cresson, jr., assistant United States attorney for the western district of Texas; the jury being waived by all parties and said cause being tried by the court, the libelant and respondent each making a statement to the court and agreeing in open court as to the facts in the case, and upon said agreement, in open court, submit the same to the court and agree upon the judgment.

And the court now being fully advised in the premises, finds for the libelant and finds that the contents of said 430 cases of canned corn contain each two dozen cans of canned corn, an article of food, and that the said cases are misbranded within the meaning of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, liquors, and for regulating traffic therein, and for other purposes," and that the same has been transported as canned corn, in interstate commerce, from the town of Atlantic, in the State of Iowa, to the city of San Antonio, in the State of Texas, consigned to the said Caffarelli Brothers, a partnership composed of R. C. Caffarelli and F. P. Caffarelli, of said city of San Antonio, Texas, being all of such consignment found in original unbroken packages; that is, the court finds that said articles of food are misbranded and are in violation of said act of Congress in that said cases and cans, and each of them, contain less in weight than the amount as shown by the brands thereon, and that

the said articles of food were so transported in interstate commerce and consigned and delivered to the said Caffarelli Brothers.

The court further finds that the articles of food contained in the said 430 cases is not adulterated, poisonous, or deleterious, but that the violation of said act of Congress is in the misbranding of said cases as to the quantity contained in each case, and that the same were consigned only to a wholesale dealer and not sold direct to the public for consumption.

Wherefore it is ordered, adjudged, and decreed by the court that the said 430 cases of canned corn, with the contents as aforesaid, be, and they hereby are, declared to be misbranded, in violation of the act of June 30, 1906, as charged in said libel; and it is further ordered, adjudged, and decreed that the said 430 cases of canned corn, with the contents as aforesaid, be, and they hereby are, condemned and forfeited, as provided for in the said act of June 30, 1906. It is provided, however, that upon the payment of all the costs in the proceeding herein, including all court, clerk's, and marshal's costs, and costs of hauling, storage, watchman, and all other costs incident to or contracted in this proceeding, and the execution and delivery by the said Atlantic Canning Company, an unincorporated concern to the libelant of a good and sufficient bond in the sum of eleven hundred dollars (\$1,100.00); conditioned, that the said 430 cases of canned corn, with the contents, as aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, or to the laws of any State, Territory, District, or insular possession, and that said Atlantic Canning Company will well and truly pay all costs in this behalf incurred; that said marshal shall redeliver the said 430 cases of canned corn, with such of their contents as they now contain or may contain, at the time of said redelivery, to the said Atlantic Canning Company, and their agent and representative, Caffarelli Brothers, in lieu of the retention and destruction thereof; the said bond to be filed herein, if at all, on this the 7th day of May, A. D. 1909; and that the libelant receive from the said Atlantic Canning Company, an unincorporated concern, its costs herein taxed at —, for all of which execution shall issue, if the said costs are not paid as hereinbefore provided.

T. S. MAXEY,

United States District Judge.

The facts in the case were as follows:

On or about February 2, 1909, an inspector of the Department of Agriculture found in the possession of Caffarelli Brothers, San Antonio, Tex., 430 cases (each containing 24 cans) of corn, labeled and branded, "2 Doz. 2 Lb. Ben Hur Brand Sugar Corn, Packed by Atlantic Canning Company, Atlantic, Ia. Guaranteed absolutely pure and to comply with National Pure Food Laws." These goods were shipped to Caffarelli Brothers by the Atlantic Canning Company from Atlantic, Iowa, on or about November 14, 1908. A number of cans were weighed by the inspector, and the average weight per can was found to be 1½ pounds. On February 2, 1909, the facts were reported by the Secretary of Agriculture to the United States attorney for the western district of Texas, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*