

On May 21, 1913, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*

2904. Misbranding of maple sirup. U. S. v. Five Cases So-called Maple Syrup. Decree of condemnation by default. Product ordered sold. (F. & D. No. 4434. S. No. 1482.)

On August 19, 1912, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of five cases of so-called maple sirup remaining unsold in the original unbroken packages at Central Wharf, Boston, Mass., alleging that the product had been shipped by Dugue & Co., New Orleans, La., and transported from the State of Louisiana into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Du-Gay Yankee Doodle Maple Syrup. Packed by Dugue & Co., Incorporated. New Orleans, La., U. S. A. Made of Purest Sugar Cane Juice. Imitation Maple Flavor. Contains sulphur dioxide. Wholesome. Digestible. Nutritious. Packed for Fancy Family Trade."

Misbranding of the product was alleged in the libel for the reason that certain retail packages of said product bore a statement, design, and device regarding the ingredients and substances contained in the food, that is to say, the words "Du-Gay Yankee Doodle Maple Syrup," printed in a conspicuous manner upon each of the retail packages and labels, and the words "Made of Purest Sugar Cane Juice. Imitation Maple Flavor," printed in an inconspicuous manner upon each of the retail packages and labels, which said statement, design, and device was false and misleading in that it would lead a purchaser to believe that the food was a product known to the trade as maple sirup, whereas, in truth and in fact, said food was not such a product.

On November 5, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal after striking out the word "maple" wherever it appeared on the label.

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WASHINGTON, D. C., *February 18, 1914.*

2905. Adulteration and misbranding of mincemeat. U. S. v. W. H. Marvin Co. Plea of *nolo contendere*. Fine, \$25 and costs. (F. & D. No. 4473. I. S. No. 17433-d.)

On November 8, 1912, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. H. Marvin Co., a corporation, Urbana, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on September 21, 1911, from the State of Ohio into the State of Iowa, of a quantity of so-called mincemeat which was adulterated and misbranded. The product was labeled: "'Mistle' Oak Brand (picture of oak tree) Mincemeat—Bohart & Co., Distributers, Clinton, Iowa. Fruit Pudding * * * Guarantee—This Mince Meat is guaranteed to meet the requirements of the National Pure Food Law enacted June 30, 1906, and is composed of the following articles: Meat, Raisins, Currants, Apples Sugar, Salt, Spices, and fruit juices. The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Approximately 0.1 per cent of meat present; no suet found. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a food product containing but a trace of meat, that is to say, 0.1 per cent of meat, was substituted for what the article of food, by its label and brand, purported to be, namely, mincemeat containing a substantial amount of meat. Misbranding was alleged for the reasons: (1) That the label and brand on the product bore statements regarding it and the ingredients and substances contained therein, which