

4819. Misbranding of sirup. U. S. v. Merwin E. Leslie, trading as Leslie, Dunham & Co. Plea of guilty. Fine, \$20. (F. & D. No. 5390. I. S. No. 25609-h.)

On May 6, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Merwin E. Leslie, trading as Leslie, Dunham & Co., Newark, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 15, 1914, from the State of New Jersey into the State of Maryland, of a quantity of sirup which was misbranded. The article was labeled: (Label from shipping package) "Rock Maple Brand Maple Syrup from Leslie Dunham & Co., Newark, N. J." (Label on can) "Leslie's Syrup Copyright 1905." (Representation of winter scene, houses, lake, and rock, man with team of oxen, another man with two pails.) "Rock Maple Brand Made From Pure Rock Maple Sap & Rock Candy Syrup. Leslie, Dunham & Co. Guaranteed by the packers under the Food & Drugs Act, June 30, 1906. Serial No. 9583."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

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| Total solids (per cent)----- | 67.1 |
| Total ash (per cent)----- | 0.146 |
| Insoluble ash (per cent)----- | 0.080 |
| Soluble ash (per cent)----- | 0.066 |
| Alkalinity of insoluble ash (cc N/10 acid per 100 grams) _ | 19.0 |
| Alkalinity of soluble ash (cc N/10 acid per 100 grams) _ | 8.7 |
| Basic lead number----- | 0.22 |
| Malic acid value----- | 0.089 |
| Reducing sugars before inversion (per cent)----- | 3.29 |
| Polarizations: | |
| 21° C. before inversion (°V.)----- | 62.2 |
| 21° after inversion (°V.)----- | -22.0 |
| 87° C. after inversion (°V.)----- | -0.6 |
| Sucrose (Clerget) (per cent)----- | 63.4 |

Production consisted of about 25 per cent maple and 75 per cent sugar sirup.

Misbranding of the article was alleged in the information for the reason that the following statement regarding it and the ingredients and substances contained therein appearing on the shipping package aforesaid, to wit, "Rock Maple Brand Maple Syrup," was false and misleading in that it indicated to purchasers thereof that the article consisted wholly of maple sirup; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of maple sirup when, in truth and in fact, it did not, but did consist of, to wit, a mixture of approximately 75 per cent of sugar sirup and 25 per cent of maple sirup. Misbranding was alleged for the further reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label of the can aforesaid, to wit, "Rock Maple Brand," not corrected by the additional statement on the said label in inconspicuous type, to wit, "Made From Pure Rock Maple Sap & Rock Candy Syrup," was false and misleading in that it indicated to purchasers thereof that the article consisted largely, if not entirely, of rock maple sirup; and for the further reason that the can was labeled as aforesaid so as to deceive and mislead purchasers thereof into the belief that it consisted largely, if not entirely, of maple sirup, when, in truth

and in fact, it did not consist largely or entirely of rock maple sirup or maple sirup, but did consist of, to wit, a mixture of approximately 75 per cent of sugar sirup and 25 per cent of maple sirup. Misbranding was alleged for the further reason that the article consisted of, to wit, a mixture of 75 per cent of sugar sirup and 25 per cent of maple sirup, and was offered for sale under the distinctive name of another article, to wit, maple sirup.

On May 9, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

CARL VROOMAN,
Acting Secretary of Agriculture.