

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1345.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF AUNT JEMIMA'S SUGAR CREAM.

On March 3, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 25 cases of a product labeled "Aunt Jemima's Sugar Cream," in the possession of the Rosen-Reichard Brokerage Co. The product was labeled: "Aunt Jemima's Sugar Cream, a blend of rock candy and maple syrup creamed, contains 1/10 of 1% benzoate of soda, Rigney & Company, Brooklyn, N. Y."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Polarization, direct, at 24° C., 90.0° V.; polarization, invert, at 24° C., 8.8; sucrose, Clerget, 70.16 per cent; polarization, invert, at 87° C., 28.0° V.; commercial glucose (factor 163), 17.15 per cent; dextrin, by alcohol precipitate, strongly positive test. The libel alleged that the product, after transportation from the State of New York into the State of Missouri, remained in the original unbroken packages, and was adulterated and misbranded, and was therefore liable to seizure for confiscation. Adulteration and misbranding were alleged in the libel as follows: Adulteration in this, to wit, that the syrup contained in said cans is not a blend of rock candy and maple syrup, as the label thereon purports, but is a liquid of which seventeen and fifteen hundredths per cent is glucose products and that said glucose products have been mixed with said syrup so as to reduce, lower, and injuriously affect its quality and

strength, and said glucose products have been substituted in part for rock candy and maple syrup in the compounding of the syrup contained in said cans; and further for the reason that the said cans are misbranded in this, to wit, that they do not contain a blend of rock candy and maple syrup, as the labels thereon purport, but contain a liquid of which seventeen and fifteen hundredths per cent is glucose products and that the labeling upon said cans, as aforesaid, is false and misleading and that said cans are so labeled and branded as to deceive and mislead the purchaser, and so as to offer the contents of said cans for sale under the distinctive name of another article.

On October 14, 1910, the case coming on for hearing and Rigney & Co. having appeared as claimant, the court entered a decree finding the product misbranded and ordered that the same shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act or the laws of any State, Territory, District, or insular possession, and, it appearing to the court that the claimant, Rigney & Co., had paid the costs of said case and executed a sufficient bond conditioned that said property should not be sold contrary to the provisions of law, the court further ordered that the said product should be forthwith delivered to said claimant, Rigney & Co.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 27, 1912.*