

3546. Adulteration and misbranding of northern Ohio sirup and northern Ohio sugar. U. S. v. 67 Cases of Northern Ohio Sirup and 9 Cases of Northern Ohio Sugar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5534. I. S. Nos. 1458-h, 1474-h, 1473-h, 1472-h. S. No. 2085.)

On January 19, 1914, the United States attorney for the Eastern District of Michigan, 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 67 cases of northern Ohio sirup and 9 cases of northern Ohio sugar, the containers and packages in said cases being of varying sizes, remaining unsold in the original unbroken packages at Saginaw, Mich., alleging that the product had been shipped on or about October 6, November 5, and November 25, 1913, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled, "The Northern Ohio Syrup & Mfg. Co. Cleveland, Ohio." The bottles of sirup were labeled, "Pure Northern Ohio Syrup—Manufactured and Guaranteed by the Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio, under the Food & Drugs Act, June 30, 1906.—52636." The packages of sugar were labeled: "Pure Northern Ohio Sugar—Guaranteed by The Northern Ohio Syrup and Mfg. Co.—Cleveland, Ohio.—Serial 52636."

It was alleged in the libel that the articles were misbranded in violation of the act of Congress of June 30, 1906, and were liable to condemnation and confiscable as provided by the terms and conditions of said act for the reason that each of said packages was by the label appearing on the face of each of the cases included in the shipments, to wit, "The Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio," and each of the bottles contained in said cases was by the label appearing thereon, to wit, "Pure Northern Ohio Syrup—Manufactured and Guaranteed by the Northern Ohio Syrup and Mfg. Co., Cleveland, Ohio, under the Food & Drugs Act, June 30, 1906.—52636," and that said packages of sugar were misbranded in violation of said act and were confiscable and liable to condemnation under the terms and conditions thereof for the reason that each of said packages was by the label appearing thereon, to wit, "Pure Northern Ohio Sugar—Guaranteed by The Northern Ohio Syrup and Mfg. Co.—Cleveland, Ohio.—Serial 52636," labeled and misbranded so as to deceive and mislead the purchaser thereof in that said food product so labeled "Northern Ohio Syrup" and "Northern Ohio Sugar" was not pure northern Ohio sirup and northern Ohio sugar, but an imitation thereof, and said branding and labeling as aforesaid constituted a misbranding within the meaning of said act and of the provisions of section 8 thereof, and said food product was misbranded as aforesaid. It was also alleged that the cases of sirup and sugar were further liable to confiscation and condemnation under the terms and conditions of said act for the reason that both said sirup and said sugar were composed of cane and maple products, said sugar containing, to wit, 47 per cent of maple sugar, and said sirup containing varying amounts of maple sirup from 35 to 63 per cent, and the presence of cane sugar and cane sirup in amounts indicated reduced the quality and character of the finished product and constituted an adulteration within the meaning of section 7 of said act, paragraphs 1 and 2.

On June 27, 1914, the Northern Ohio Sirup & Manufacturing Co., Cleveland, Ohio, claimant, having consented thereto, judgment of condemnation and forfeiture was entered, after a verdict by the court in favor of the Government, and it was ordered by the court that the product should be surrendered and delivered to said claimant upon payment of all the costs of the proceeding and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*