

13850. Adulteration and misbranding of maple sugar. U. S. v. 60 Pails of Maple Sugar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20108. I. S. No. 14400-v. S. No. E-5324.)

On June 11, 1925, 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 praying the seizure and condemnation of 60 pails of maple sugar, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by H. Waite & Sons, from Enosburg Falls, Vt., May 19, 1925, and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping label) "We guarantee this package contains Pure Maple Product not adulterated or misbranded within the meaning of the Food & Drugs Act, June 30, 1906, Maplevale Sugar & Syrup Works H. Waite & Sons, Props. Morrisville, Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance, cane sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "We guarantee this package contains Pure Maple Product not adulterated or misbranded within the meaning of the Food & Drugs Act, June 30, 1906, Maplevale Sugar & Syrup Works," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*