

3898. Adulteration and misbranding of so-called pure Vermont maple sirup. U. S. v. Merwin E. Leslie (Leslie, Dunham & Co.). Plea of non vult. Fine, \$50. (F. & D. No. 4429. I. S. No. 1878-d.)

At the November, 1914, term of the District Court of the United States for the District of New Jersey, the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against Merwin E. Leslie, carrying on business in the city of Jersey City, in the State of New Jersey, under the firm name and style of Leslie, Dunham & Co., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 30, 1912, from the State of New Jersey into the State of New York, of a quantity of so-called pure Vermont maple sirup, which was adulterated and misbranded. The product was labeled: "Pure Vermont Maple Syrup. 'Bon Voyage Brand' selected with great care from the best producers and packed expressly for Charles & Co., 44-46-48-50 E. 43rd St., New York."

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

Solids (refractometer) (per cent).....	63.77
Ash (per cent).....	0.34
Ash, calculated to dry basis (per cent).....	0.53
Soluble ash (per cent).....	0.21
Insoluble ash (per cent).....	0.13
Alkalinity of soluble ash (cc N/10 HCl per 5 grams).....	1.40
Alkalinity of insoluble ash (cc N/10 HCl per 5 grams).....	2.00
Lead number.....	0.79
Lead number, calculated to dry basis.....	1.24

It was charged in the indictment that the product was misbranded in that it bore on the label the statement "Pure Vermont Maple Syrup," conveying the impression that each of the bottles and cans contained pure Vermont maple sirup, whereas, in truth and in fact, said bottles and cans contained, to wit, cane-sugar sirup, maple sirup, and water, and the product was therefore adulterated within the meaning of said act, in that said cane-sugar sirup and water had been mixed and packed with maple sirup so as to reduce, lower, and injuriously affect its quality and strength; and further, in that substances, to wit, cane-sugar sirup and water, had been substituted in part for the maple sirup. It was further charged in the indictment that the product was misbranded in that it bore on the label the statement "Pure Vermont Maple Syrup," conveying the impression that each of the bottles and cans so labeled contained pure maple sirup, whereas, in truth and in fact, each of said bottles and cans contained, to wit, a mixture of cane-sugar sirup, maple sirup, and water, and was therefore labeled and branded so as to deceive and mislead the purchaser.

On December 23, 1914, the defendant withdrew his plea of not guilty previously entered and entered a plea of non vult, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 29, 1915.