9053. Misbranding of honey. U. S. v. 60 Cases of Honey. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 15924. Sample No. 28719–H.)

LIBEL FILED: May 21, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about December 31, 1943, by the Evans Honey Co., from Los Angeles, Calif.

PRODUCT: 66 cases, each containing 24 jars, of honey at Seattle, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: "Net Wt. 1 lb. Evans U. S. Fancy Grade Pure Honey."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

9054. Adulteration of sirup. U. S. v. 161 Cases of Sirup (and 2 other seizure actions against sirup). Default decrees of condemnation and destruction. (F. D. C. Nos. 16340 to 16342, incl. Sample Nos. 255–H to 260–H, incl.)

LIBELS FILED: June 5, 1945, Western District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of October 7 and 13, 1943, by the Ol' South Extract Co., from Rochester, N. Y.

PRODUCT: 248 cases, each containing 12 16-ounce bottles, and 21 cases, each containing 24 16-ounce bottles, of sirup at Asheville, N. C.

LABEL, IN PART: "Ol' South Mapleflo Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, since it was fermented.

DISPOSITION: July 9, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9055. Adulteration and misbranding of maple sirup. U. S. v. Charles Levy (Tiffany Extract Co.). Plea of guilty. Fine, $200. (F. D. C. No. 15484. Sample Nos. 76227–F, 82168–F.)

INFORMATION FILED: October 9, 1945, District of New Jersey, against Charles Levy, trading as Tiffany Extract Co., Paterson, N. J.

ALLEGED SHIPMENT: May 26 and June 16, 1944, from the State of New Jersey into the State of New York.

PRODUCT: One shipment of this sirup was labeled as being sap maple sirup, which is a product made from maple sap. The other shipment was labeled as being maple sirup, which is a product which may be made from either maple sap or maple sugar.

LABEL, IN PART: "100% Grade A Pure Vermont Maple Syrup Sap," or "Roland 100% Grade A Pure Vermont Maple Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, maple sap or maple sugar, had been in whole or in part omitted in the manufacture of the articles; and, Section 402 (b) (2), sugar sirups containing more than 35 percent of water and little or no maple sirup had been substituted for maple sap sirup and maple sirup, products which should contain not more than 35 percent of water and which, in the case of the former, should be made solely from maple sap and, in the case of the latter, should be made solely from maple sugar or maple sap.

Misbranding, Section 403 (a), the statement, "100% Grade A Pure Vermont Maple Syrup Sap," and the design of a maple leaf and maple trees, and the statement, "100% Grade A Pure Vermont Maple Syrup," on the labels of the respective products, were false and misleading; and Section 403 (i) (2), the labels of both products failed to bear the common or usual name of each ingredient from which the products were fabricated.

DISPOSITION: November 9, 1945. The defendant having entered a plea of guilty, the court imposed a fine of $200 on each count. Payment of the fines on counts 2, 3, and 4 was suspended and the defendant was placed on probation for 1 year.