

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 235, FOOD AND DRUGS ACT.

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### MISBRANDING OF A SYRUP—"CAFE-COCA COMPOUND."

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 3d day of November, 1909, in the District Court of the United States for the Northern District of Georgia, in a prosecution by the United States against C. C. Bowden and F. H. Bowden, Athens, Ga., doing business under the name of the Athens Bottling Works, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Georgia to Louisiana a quantity of a syrup known as "Cafe-Coca Compound," the said defendants entered a plea of guilty and the court imposed upon them a fine of \$5.

The facts in the case were as follows:

On November 13, 1908, an inspector of the Department of Agriculture purchased from Finlay, Dicks & Company, Ltd., New Orleans, La., a sample of a food product labeled: "Sparkling Delicious CAFE-COCA Compound containing Caffeine Coca Extract and Fourteen Healthful Fruit Oils, Extracts, Etc. Athens Bottling Wks." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain, among other ingredients, cocaine. From the aforesaid analysis it would appear that the article was misbranded within the meaning of section 8 of the act in that the quantity or proportion of cocaine contained therein was not declared on the label as required by the said section.

It appearing from the aforesaid analysis that the article was misbranded, the Secretary of Agriculture gave notice to Finlay, Dicks & Company, Ltd., New Orleans, La., the dealers from whom the

sample was purchased, and also to the Athens Bottling Works, Athens, Ga., the manufacturers and shippers, and gave them an opportunity to be heard. C. C. Bowden and F. H. Bowden, doing business under the name of the Athens Bottling Works, being the parties solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was misbranded, on May 17, 1909, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States Attorney for the Northern District of Georgia, who filed an information against the above-named defendants, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 28, 1910.*

