

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 296, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "KOS-KOLA."

(A SOFT DRINK CONTAINING COCAINE.)

On or about November 18, 1908, and December 5, 1908, the Sethness Company, of Chicago, Ill., shipped from the State of Illinois to the District of Columbia and to the State of Michigan consignments of a food product known as "Kos-Kola." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analysts and reports thereon indicated that the product in the first shipment was adulterated and misbranded and the product in the second shipment was misbranded within the meaning of the Food and Drugs Act, June 30, 1906, the Secretary of Agriculture afforded the Sethness Company, and the dealers from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base prosecutions. In due course criminal informations were filed in the District Court of the United States for the Northern District of Illinois, charging the above shipments and alleging that the first consignment was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, cocaine; and was misbranded, in that it contained cocaine and failed to bear a statement on the label of the quantity or proportion thereof, and was further misbranded, in that it was labeled "Kos-Kola Flavor," which statement was false, misleading, and deceptive, in that it indicated that a product of the kola nut was one of its chief ingredients whereas, in fact, the product of the kola nut was not one of the chief ingredients contained in said

article of food; and further alleging that the second shipment was misbranded in that it was labeled "Kos-Kola" and that it contained cocaine and failed to bear a statement on the label of the quantity or proportion thereof.

On January 10, 1910, the said defendant entered a plea of guilty to each information and the court imposed a fine of \$10 for each offense.

This notice is given pursuant to section 4 of the Food and Drugs Act, June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 14, 1910.*

