

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 731, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF COLA SYRUP.

On or about April 27, 1910, the Mound City Extract Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Illinois a consignment of a certain product in barrels labeled: "Cola Syrup. Directions. Carbonate at 60 pounds pressure throwing one ounce to half-pint bottle." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a syrupy liquid consisting essentially of 58.72 per cent sugar, 0.08 per cent caffeine, cocaine and cocaine derivatives, phosphoric acid, caramel, flavoring agents, and water. As the findings of the analyst and report made showed the product to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Mound City Extract Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Mound City Extract Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that the product contained in said barrel was a liquid consisting essentially of sugar, caffeine, cocaine and derivatives of cocaine, phosphoric acid, caramel, flavoring agents, and water, and that the contents of said barrel had been mixed and packed with caffeine, cocaine and derivatives of cocaine, and phosphoric acid, so as to injuriously affect its quality and strength; that in the manufacture of said product sugar, caffeine, cocaine and derivatives of cocaine, phosphoric acid, caramel, flavoring agents, and water had been substituted for the cola syrup, which words signify a syrup

obtained in whole or in part from and containing the essential principles of the cola plant, and that said product contained added poisonous and deleterious ingredients which might render such articles injurious to health, to wit, caffeine, cocaine and derivatives of cocaine; and further that the product was misbranded in that it was adulterated as aforesaid; in that said article was an imitation and offered for sale under the distinctive name of another article; in that said barrel was so labeled as to mislead and deceive the purchaser into the belief that said barrel contained a pure cola syrup, whereas, in truth and in fact, the contents of said barrel were adulterated as aforesaid; and that the label upon said barrel was false and misleading, and further, that the label upon said barrel failed to bear a statement of the quantity and proportion of cocaine and derivatives of cocaine contained therein and failed to bear a statement that said product contained cocaine and derivatives of cocaine.

On November 11, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$50 and costs.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 19, 1911.*