

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 892, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "STRAWBERRY FRUIT FLAVOR" AND "RASPBERRY FRUIT SYRUP."

On or about December 4, 1909, and June 2, 1910, the Metropolitan Tartar Company, a corporation, Newark, N. J., shipped from the State of New Jersey into the State of New York consignments of two food products labeled, respectively: "Metarco Fruit Flavor. Made from selected fruit. Strawberry Natural Flavor. Non-Chemical. Non-Ethereal. Uncolored. Guaranteed under Food and Drug Act, June 30, 1906. Serial number 5518. Highly Concentrated fruit juices and nothing else. Metropolitan Tartar Co., Inc., Newark, N. J.," and "Raspberry Fruit Syrup. Contains benzoate soda less than $\frac{1}{4}$ of 1%. Harmless coloring matter less than $\frac{1}{4}$ of 1%. Guaranteed under the Food and Drugs Act, June 30th, 1906. * * * Metropolitan Tartar Co., Newark, N. J." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the former was found to consist largely of flavoring materials foreign to the strawberry, and the latter to contain little or no raspberry fruit syrup but in place thereof foreign flavoring matter and artificial color. As the findings of the analyst and reports thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Metropolitan Tartar Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above 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 upon which to base a prosecution.

On October 18, 1910, two criminal informations were filed in the District Court of the United States for the District of New Jersey

against the said Metropolitan Tartar Company, one charging the first of the above shipments and alleging the product so shipped to be adulterated because there had been substituted wholly or in part for "strawberry natural flavor" an artificial strawberry flavoring, either distillate of orris root or oleo resin of orris, in imitation of natural strawberries, and alleging the same to be misbranded because it was labeled as above set forth, which label was false and misleading because the article did not consist of "strawberry natural flavor" and was not composed of "highly concentrated fruit juices and nothing else" but was an adulterated product as above set forth. The other of the above-mentioned informations charged the second of the above shipments and alleged that the product so shipped was adulterated because there had been substituted wholly or in part for "raspberry fruit syrup" an artificial raspberry flavoring, either the distillate of orris root or oleo resin of orris, in imitation of natural raspberries, and that the product was misbranded because it was labeled as above set forth, when in truth and in fact it did not consist of "raspberry fruit syrup" but contained little or no raspberry fruit syrup and was an adulterated product as above set forth.

On November 29, 1910, the defendant entered a plea of guilty to both the above informations, whereupon the court imposed a fine of \$25 in each case.

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., *May 18, 1911.*

