

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 999.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION AND MISBRANDING OF "BRACE-UP TOMATO TONIC."

On February 21, 1911, the United States Attorney for the Southern District of Illinois, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Arrow Distilleries Co., of Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 28, 1910, from the State of Illinois into the State of Texas, of one box containing 24 glass bottles, each of said bottles containing an article of food designated and called "Brace-up Tomato Tonic," which said article was adulterated and misbranded. The labels on each of the said glass bottles contained the following statements: "Brace up Tomato Tonic. Arrow Distilleries Co., Peoria, Ill. Arrow Brand Brace-up Nerve Tonic and Invigorator. Prepared from the concentrated extract of tomatoes and seasoned with choice spices and condiments. An unexcelled nerve and stomach food."

Analysis by the Bureau of Chemistry showed the product to contain yeasts and spores 75 per one-sixtieth cmm., bacteria 96,000,000 per cc., mold filaments in 80 per cent of the fields, benzoic acid as sodium benzoate 0.226 per cent. Adulteration was alleged because the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance; misbranding was alleged for the reason that the said label bore a statement, design, and device regarding said article and the ingredients and substances contained therein, which were false and misleading and calculated to deceive and mislead the purchaser, in that said statements purported to declare to the purchaser the said product was prepared from concentrated extract of tomatoes seasoned with choice spices and condiments when said article of food contained in addition to said ingredients 0.226 per cent benzoate of soda, it being the duty of the shipper of said product to declare upon the said label the presence of said added benzoate of soda.

On April 26, 1911, the defendant company pleaded guilty and was fined \$10 and costs.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 29, 1911.*

