

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1040.

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

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### ADULTERATION AND MISBRANDING OF SPECIAL WILD CHERRY SODA WATER FLAVOR.

On April 25, 1911, the United States Attorney for the District of Massachusetts, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district, against the Blue Seal Supply Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on December 6, 1910, from the State of Massachusetts into the State of Minnesota, of a package containing a product denominated "Special Wild Cherry Soda Water Flavor." The label on the package contained the statement: "Extra concentrated special wild cherry soda water flavor."

Analysis by the Bureau of Chemistry of this Department showed the product to be composed of benzaldehyde and alcohol. Adulteration was alleged in the first count of the information for the reason that an artificial product composed of benzaldehyde and alcohol had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and because an artificial substance, to wit, benzaldehyde and alcohol, had been substituted for the genuine wild cherry flavor which said article purported to contain. Misbranding was alleged in the second count of the information for the reason that the statement on the label, to wit, extra concentrated special wild cherry soda water flavor, was false and misleading in that it conveyed the impression that said product was composed of the genuine extract or flavor of wild cherry, whereas said article was an artificial product composed largely of benzaldehyde and alcohol, and contained no genuine extract or flavor of wild cherry.

On May 1, 1911, the defendant pleaded guilty and was fined \$25.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *August 4, 1911.*