

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1327.

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

MISBRANDING OF MARASCHINO CHERRIES.

On September 29, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of seven cases of maraschino cherries found on premises 323 East Fifth Street in the city of St. Paul. The product was labeled: (On jars) "Armour's Top Notch Brand Maraschino Cherries—Colored with Cochineal Lake—Prepared for Armour & Co., under the Food and Drugs Act of June 30, 1906, Serial No. 1269 A." (On cases) "Armour's Top Notch Brand Maraschino Cherries Armour & Co.—six 1/2 Gall. Jars—Reg. No. 223575—Armour & Co., St. Paul, Minn."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture, showed that the cherries had not been packed in maraschino liqueur nor a syrup flavored with that substance, but that they had been packed in a syrup flavored with benzaldehyde or bitter almond. The libel alleged that the product, after shipment by Armour & Co. from the State of Illinois into the State of Minnesota, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that said cherries had been packed and mixed with a substance, to wit, a sugar syrup, which had been substituted wholly or in part for genuine maraschino liqueur, which said substituted substance reduced, lowered, and injuriously affected the quality and strength of said article. Misbranding was alleged for the reason that said product was sold under the distinctive name of another

article, to wit, maraschino cherries, when in fact it was not packed in maraschino liqueur but in a sugar syrup made in imitation of genuine maraschino liqueur, and further because said product was so labeled as to deceive and mislead the purchaser in that it was represented to be maraschino cherries, or cherries packed and preserved in maraschino liqueur, when in fact the article was not maraschino cherries or cherries packed or preserved in maraschino liqueur.

On October 23, 1911, the case coming on for hearing and Armour & Co. having appeared as claimants to said property, the court found the product misbranded as alleged in the libel and entered a decree condemning and forfeiting the same to the United States, but with the proviso that it might be released to claimants upon the payment of costs and giving of bond in the sum of \$500 conditioned that the product should not be again sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 25, 1912.*

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