

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1572.

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

ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On or about October 19, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of seven cases, five of which each contained 12 bottles of cherries and two of which each contained 24 bottles of cherries, remaining unsold and in the unbroken packages and in possession of the S. S. Allen Grocery Co., St. Joseph, Mo., alleging that the product had been shipped by Liebenthal Bros. & Co., Cleveland, Ohio, date not shown, from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the five cases was branded: "White Rose Maraschino Cherries 12 Bottles. Glass. Handle with care. Artificially colored. Preserved with 1/10 of 1% Benzoate of Soda." and each of the two cases bore a label identical with the one above set out, except that the figures "24" appeared in lieu of the figures "12". Each of the bottles was branded: "White Rose Maraschino Cherries. Artificially colored and preserved with 1/10 of 1 per cent benzoate of soda. S. S. Allen Grocery Co. Distributors, St. Joseph, Mo." "Exquisite quality. Delicious fruit. Especially prepared Maraschino Cherries."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde, or oil of bitter almond, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and such benzaldehyde or oil of bitter almond had been substituted wholly or in part for maraschino in the liquor or syrup in which the product was packed. Misbranding of the product was alleged for the reason that the brands or labels were false and misleading in that, while they

stated and represented that the cases or boxes and bottles, and each of them, contained maraschino cherries as known to the trade and to commerce in the United States, which are cherries put up in a maraschino liquor or syrup, whereas in truth and in fact the cherries contained in said cases, boxes, and bottles were not put up in maraschino liquor or syrup but in an imitation of maraschino liquor or syrup flavored with benzaldehyde or oil of bitter almond.

On March 7, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 10, 1912.*

