

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1679.

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

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### ADULTERATION AND MISBRANDING OF SO-CALLED MARASCHINO CHERRIES.

The grand jurors of the United States for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, returned an indictment against the Liquid Carbonic Co., a corporation organized under the laws of the State of Illinois and having a place of business at Kansas City, Mo., which indictment was filed in the District Court of the United States for said district on November 10, 1911, charging shipment by said company, in violation of the Food and Drugs Act, on or about February 6, 1911, from the State of Missouri into the State of Kansas of a consignment of so-called maraschino cherries which were adulterated and misbranded. The product was labeled: "Diamond Brand Pure Whole Fruits Prepared from selected fresh ripe fruits by a process which retains their original flavor and aroma. Guaranteed by The Liquid Carbonic Co., under the Food and Drugs Act June 30, 1906, Serial No. 629. Maraschino Cherries Contain one-thirtieth of one per-cent Sulphur Dioxide and Colored with Cochineal. 56 Ponceau 3R The Liquid Carbonic Co. Chicago, New York, Pittsburg, Kansas City, Atlanta, Dallas."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol by volume, 0.09 per cent; iodoform test, positive; color, Ponceau 3R; sulphurous acid as SO<sub>2</sub>, 0.03 per cent. Adulteration was charged in the information for the reason that the cherries were packed in substances and ingredients to give the same the appearance of having been packed in maraschino syrup or liquor and that said substances and ingredients were substituted for the said maraschino syrup or liquor.

Misbranding was alleged for the reason that the label or brand on the bottles containing the product was false and misleading in that it stated that the contents of the bottles consisted of maraschino cherries and which deceived and misled the purchaser thereof into believing that he was purchasing maraschino cherries, namely cherries which had been packed in maraschino, the same being a syrup or liquor made from a cherry grown in Asia Minor and certain parts of southern Europe known as maraschino, or in syrup or liquor having the flavor of said maraschino syrup or liquor, whereas, in truth and in fact, the bottles contained a substance in which the cherries were packed which was not made from cherries grown in Asia Minor and certain parts of southern Europe, and known as maraschino liquor or syrup or a syrup or liquor having the flavor of maraschino liquor or syrup.

On April 12, 1912, the defendant company entered a plea of nolo contendere and the court imposed a fine of \$50 and costs.

JAMES WILSON,  
*Secretary of Agriculture.*

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