

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1721.

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

ADULTERATION AND MISBRANDING OF SO-CALLED MARASCHINO CHERRIES.

On October 18, 1911, the United States Attorney for the Eastern District of Washington, 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 20 cases of so-called maraschino cherries, remaining unsold in the original unopened packages and in the possession of Armour & Co., a corporation, Chicago, Ill., at its place of business in Spokane, Wash., alleging that the product had been shipped from the State of Illinois into the State of Washington, date of shipment not known, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On part of cases) "Six 1/2 Gallon jars, Armours "Top Notch" brand Maraschino Cherries, Armour and Company, Reg. No. 223575. Glass with care." (On retail packages) "Armours Harmlessly flavored "Top Notch" Brand Maraschino Cherries, colored with cochineal lake prepared for Armour & Company, guaranteed by Armour and Company under the Food and Drugs Act, June 30, 1906. Serial No. 1269. Keep cool and covered."

Adulteration was alleged in the libel for the reason that the product did not contain maraschino and was not packed in syrup flavored with that substance, but in truth and in fact there had been substituted a sugar syrup flavored with benzaldehyde. Misbranding was alleged for the reason that the labeling on the product was misleading and false so as to deceive and mislead the purchaser and so as to offer the product for sale under the name of another article, and so was misbranded within the meaning of the Act.

On November 3, 1911, a decree of condemnation and forfeiture was entered and it was further ordered that upon execution of a bond by Armour & Co., claimant, in the sum of \$500, in conformity with section 10 of the Act, and the payment by said claimant of the costs of the proceedings the product should be released and delivered to said claimant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., August 8, 1912.