

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2056.

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

ADULTERATION AND MISBRANDING OF SO-CALLED BLACKBERRY FLAVORED JUICE.

On June 27, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 24, 1911, from the State of Ohio into the State of Missouri of a quantity of so-called blackberry flavored juice which was adulterated and misbranded. The product was labeled: (On shipping case) "Mihalovitch's Hungarian Brand Blackberry Flavored Juice." (On 2 sides) "The original contents of this package guaranteed under the National Pure Food Act of June 30, 1906." (On top) "Glass This Side Up with Care. 12 bottles contains 2-1/2 gallons." (On bottles, main label) "Mihalovitch's Hungarian Brand Blackberry Flavored Juice Bottled by the Mihalovitch Fletcher Co., Cincinnati, O." (Black label) "Mihalovitch's Hungarian Blackberry Flavored Juice x x x Is especially to be recommended in connection with the Ice Water, where it will correct all its damaging influence on the Stomach. For convalescent women and children it will offer itself as a most grateful beverage x x x Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Color, appeared natural; solids, total, refractometer, 35.54 per cent; non-sugar solids, 2.00 per cent; sucrose, per cent, by Clerget, 0.91; sucrose, per cent, by copper, 0.24; reducing sugars as invert before inversion, per cent,

33.18; commercial glucose (factor 163), none; polarization, direct, temperature 22° C., -10.8° V.; polarization, invert, temperature 22° C., -9.6° V.; polarization, invert, 87° C., 0.0; ash, total, per cent, 0.313; ash, per cent, soluble in water, 0.278; ash, per cent, insoluble in water, 0.035; alkalinity of soluble ash (cc N/10 acid per 100 grams), 25.0; acids (cc N/10 alkali per 100 grams), total citric, 0.33; alcohol, 13.17 per cent; methyl alcohol, none; reducing sugars as invert after inversion, per cent, 33.54; benzoic acid, negative; salicylic acid, negative; saccharin, negative. Adulteration of the product was alleged in the information for the reason that another substance, to wit, a blackberry flavored cordial, was substituted wholly for what the product by its label purported to be, to wit, blackberry flavored juice. Misbranding was alleged for the reason that the product was labeled and branded as set forth above so as to deceive and mislead the purchaser thereof, in that said label and brand were calculated and intended to create the impression and belief that the product was blackberry flavored juice, whereas, in truth and in fact, it was not so, but was a blackberry flavored cordial; that the labels and brands on the product bore statements, designs, and devices regarding it and the ingredients and substances contained therein which were false, misleading, and deceptive, in that said statements purported and represented the product to be a blackberry flavored juice and to be, further, a foreign product of Hungarian origin and manufacture, whereas, in truth and in fact, the product was not blackberry flavored juice, but was a blackberry flavored cordial and was not a foreign product, or of Hungarian origin, but was a domestic product and of American origin and manufacture; that the product contained 13.17 per cent of alcohol, and, considered as a drug, it was therefore misbranded in that the labels and brands thereon failed to bear a statement of the quantity or proportion of the alcohol contained in the article.

On July 19, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25 with costs of \$14.95.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 2, 1912.*