

Issued March 19, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 218, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF STRAWBERRY EXTRACT.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 15th day of June, 1909, in the District Court of the United States for the Eastern District of Louisiana, judgment was rendered in the case of the United States against King Brothers, Shilstone & Saint, Ltd., a prosecution upon an information in substance charging said defendant with having unlawfully shipped from New Orleans, La., to Magnolia, Miss., a certain article of food, to wit, one lot of so-called "Crown Extract of Strawberry" which was adulterated in that the said extract of strawberry purported to be a flavor made and prepared from strawberry fruit with no artificial coloring, whereas in truth and in fact, the said extract was not made of strawberry fruit, but was an article artificially made and colored, whereby damage and inferiority were concealed; and further adulterated in that a substance was mixed and packed with the same so as to reduce, lower, and injuriously affect its quality and strength, and further in that said substance was substituted wholly or in part for the said strawberry extract. The second count of the information charged that the so-called strawberry extract, shipped as aforesaid, was misbranded in this, that the bottles containing the same were each labeled: "Crown Extract of Strawberry, Prepared by the Phoenix Extract Co., New Orleans, La.," which said label constituted a misbranding for the reason that the article contained in said bottle was represented to be genuine strawberry extract made from the fruit, when, in truth and in fact, the same was an imitation of the genuine strawberry extract, offered for sale and sold under the distinctive name of said genuine article; and further misbranded in that it was labeled so as to mislead

and deceive the purchaser into believing that it was the genuine extract of strawberry, when, in truth and in fact, it was not.

The defendant pleaded guilty to the information on June 15, 1909, and was fined \$10 and costs.

The facts on which the prosecution was based follow:

On or about April 6, 1908, an inspector of the United States Department of Agriculture purchased a sample of the so-called strawberry extract labeled as heretofore described from R. Tuminello, at Magnolia, Miss., which sample was contained in a consignment of said article shipped to said R. Tuminello by King Brothers, Shilstone & Saint, Ltd., from New Orleans, La. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to be an imitation extract of strawberry artificially colored. The analysis having disclosed that the article was adulterated and misbranded, the said King Brothers, Shilstone & Saint, Ltd., and the said R. Tuminello were duly notified thereof and given an opportunity to be heard in regard to said adulteration and misbranding, and it appearing that there had been a violation of the act on the part of King Brothers, Shilstone & Saint, Ltd., the facts were reported to the Attorney General on February 25, 1909, by the Secretary of Agriculture. The case was referred to the United States Attorney for the Eastern District of Louisiana, who filed an information against the said corporation, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 21, 1910.*