

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 372, FOOD AND DRUGS ACT.

---

### MISBRANDING OF CHERRY SYRUP.

On or about March 20, 1909, the Lima Fruit Juice Company of Lima, Ohio, shipped from the State of Ohio to the State of Missouri 50 one-gallon jugs labeled "Drink Allen's Red Tame Cherry—Artificially Colored, Refreshing, Delicious, Cooling." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under Section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri. In due course a libel was filed against the said 50 one-gallon jugs, charging misbranding, in that the statement on the label "Allen's Red Tame Cherry," was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the product was prepared from cherries, whereas in fact the product was not cherry juice, but a syrup largely artificial, containing but a trace of the fruit, and colored with a coal-tar dye. Thereupon the Lima Fruit Juice Company entered its appearance and set up claim to the goods, and on June 7, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture and directed that the goods be released to the claimant on payment of costs and filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 19, 1910.*

