

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 549, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "ALLEN'S RED TAME CHERRY."

On or about March 20, 1909, the Lima Fruit Juice Company, Incorporated, Lima, Ohio, shipped from the State of Ohio to the State of Missouri a consignment of food product labeled "Drink Allen's Red Tame Cherry—Refreshing, delicious, cooling—Artificially colored—not a wild cherry—The Lima Fruit Juice Company, Lima, Ohio." A sample from this shipment was procured and analyzed by _____ of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Lima Fruit Juice Company, Incorporated, and the dealer from whom the sample was purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said Lima Fruit Juice Company, Incorporated, in the District Court of the United States for the Northern District of Ohio charging the above shipment, and alleging that the product was adulterated in that an artificial sirup was substituted wholly or in part for the genuine product as labeled and that the said product was artificially colored in such manner that its inferiority was concealed, and further alleging that the product was misbranded because it was labeled so as to mislead and deceive purchasers into believing that the article was a genuine cherry sirup, when as a matter of fact it was an artificial sirup colored in a manner so that its inferiority was concealed.

On June 7, 1910, defendant entered a plea of *nolo contendere* and the court imposed a fine of \$25 and costs.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 5, 1910.*

