

Issued July 8, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 912, FOOD AND DRUGS ACT.

MISBRANDING OF MARASCHINO CHERRIES.

On or about November 9, 1909, Isaac Rheinstrom, Maurice G. Rheinstrom, Robert I. Rheinstrom, and Walter L. Bodman, trading as the I. Rheinstrom & Sons Co., Ludlow, Ky., shipped from the State of Kentucky into the State of New York a quantity of a food product labeled: "Imperial Brand Maraschino Cherries, Artificially colored. * * * Cherries in Maraschino * * * Serial No. 3999, Pure Food Guarantee." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain no maraschino. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said I. Rheinstrom & Sons Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above 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 upon which to base a prosecution.

On June 22, 1910, a criminal information was filed in the District Court of the United States for the Eastern District of Kentucky against the above-mentioned copartners, charging the above shipment and alleging the product so shipped to be misbranded because it was labeled as above set forth when as a matter of fact the cherries were not maraschino cherries nor were they packed in maraschino.

On October 18, 1910, the defendants entered a plea of nolo contendere to the above information, whereupon the court imposed a joint fine of \$5.

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 25, 1911.*

