

Issued August 21, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1574.

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

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### ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On October 21, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of six cases, four of which each contained eight dozen bottles of cherries and two of which each contained four dozen bottles of cherries, remaining unsold in the original unbroken packages and in possession of the Letts-Parker Grocer Co., a corporation, St. Joseph, Mo., alleging that the product had been shipped by Glaser Kohn & Co., Chicago, Ill., during the month of March, 1911, from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "8 doz. No. 4, Sheepshead Brand Maraschino Cherries. Letts-Spencer Grocer Co., St. Joseph, Mo." "4 doz. No. 8, Defiance Maraschino Cherries. Letts-Spencer Gro. Co., St. Joseph, Mo." Each of the bottles in the four cases was labeled: "Sheepshead Brand, Trade (design of sheep's head) Mark Registered Packed for Letts Spencer Grocer Co., St. Joseph Mo. Maraschino Cherries, Artificially Colored. Contains 0.008 Sulphur Dioxide. Purity of colors used guaranteed by the manufacturer. Part of lot No. 543, certified under U. S. Pure Food and Drugs Act." Each of the bottles contained in the two cases was branded: "Defiance brand, Trade (design of rooster) Mark. Packed for Letts-Spencer Grocer Co. St. Joseph, Mo. Maraschino Cherries. Artificially colored. Contains 0.008 sulphur dioxide. Purity of colors used guaranteed

by the manufacturer, Part of lot 543, certified under U. S. Pure Food and Drugs Act."

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, benzaldehyde or bitter almond product, had been mixed and packed with the cherries so as to reduce, lower, and injuriously affect their quality and strength, and such benzaldehyde or bitter almond product had been substituted wholly or in part for maraschino in the liquor or syrup in which said cherries were packed. Misbranding was alleged for the reason that the brands and labels, and each of them, on each of the boxes and cases and bottles contained therein, were false and misleading, in that, while the brands and labels, and each of them, stated and represented that they contained maraschino cherries, in truth and in fact the cherries contained therein were neither maraschino cherries nor cherries put up and packed in maraschino liquor, or in syrup flavored with maraschino, but said cherries were put up and packed in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or bitter almond product.

On March 6, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of all costs of the proceedings by the Letts Parker Grocer Co., St. Joseph, Mo., and the presentation of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to said claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 10, 1912.*