

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1575.

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

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### ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On November 8, 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 25 cases or boxes, each containing a certain number of original glass unit packages of cherries, remaining unsold in the original unbroken packages, and in the possession of the C. D. Smith Drug Co., a corporation, St. Joseph, Mo., alleging that the product had been shipped by the National Fruit Products Co., Boston, Mass., date of shipment not shown, from the State of Massachusetts into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was branded: "C. & M. Maraschino Cherries—Glass—S.—St. Joseph, Mo., N. F. P. Co." Each of the bottles or jars contained in the cases was branded: "Maraschino Flavored Cherries. Preserved with 1/10 of 1% Benzoate of Soda. Artificially colored—Serial No. 25838—A. Guaranteed under the Food & Drugs Act, June 30, 1906. For sale by National Fruit Products Co., Successor to Curtis & Moore Co., 94-98 Portland Street, Boston, Mass. Directions, etc."

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 said product so as to reduce, lower, and injuriously affect its 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 the product was packed. Misbranding was alleged for the reason that the brands and labels and each of them on each of the cases and unit jars or bottles contained therein were false and misleading, in that, while

the brands and labels stated and represented that the cases and bottles or jars each 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 were put up and packed in an imitation of maraschino liquor and syrup, flavored with benzaldehyde or bitter almond product.

On March 6, 1912, no claimant having appeared for the product, default judgment of condemnation and forfeiture was entered.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 11, 1912.*

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