

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1585.

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

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#### ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

On August 31, 1911, the United States Attorney for the Eastern 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 30 cases of maraschino cherries, 18 of which each contained one dozen large bottles, 7 of which each contained two dozen medium bottles, and 5 of which each contained four dozen small bottles of the product, remaining unsold in the original unbroken packages and in possession of J. F. Conrad Grocer Co., St. Louis, Mo., alleging that the product had been shipped on or about July 13, 1911, from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. Each of the cases was labeled in part: "Glass—This side up With Care—Artificially Colored Preserved with less than  $\frac{1}{10}$  of 1% Benzoate of Soda N Y J. F. Conrad Gro. Co., St. Louis, Mo. Red Cherries Artificially Colored Rodier Brand." The paper carton wrapped around each of the bottles of the product was labeled: "Red Cherries Artificially Colored Contains  $\frac{1}{10}$  of 1% Benzoate of Soda Rodier Brand To serve with Ice Creams, Desserts, Grape Fruit, etc. Warranted not to spoil in any climate.", and each of the bottles was labeled: "Every bottle guaranteed Maraschino Cherries Artificially Colored Contains  $\frac{1}{10}$  of 1% Benzoate of Soda Rodier Brand To serve with Ice Creams, Desserts, Grape Fruit, etc. Warranted not to spoil in any climate."

Adulteration was charged in the libel for the reason that the product had been mixed and packed in a syrup flavored with benzaldehyde or bitter almond, which had been substituted in whole or in

part for true maraschino liqueur or a syrup flavored with maraschino liqueur; and in the manufacture of said product an article had been substituted in whole or in part for the article described upon the label. Misbranding was alleged for the reason that the product had not been packed in genuine maraschino liqueur or in a syrup flavored with that substance, but had been packed in a substance flavored with benzaldehyde or bitter almond; and that said product was so labeled as to deceive and mislead the purchaser and that the label thereon was false and misleading.

On February 28, 1912, the J. F. Conrad Grocer Co., St. Louis, Mo., the claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that if the said claimant within 30 days should file bond in conformity with section 10 of the Act, fixed by the court at \$500, and pay all costs of the proceeding, the product should be released.

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

WASHINGTON, D. C., *June 13, 1912.*