

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1598.

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

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On October 7, 1911, the United States Attorney for the Eastern District of Louisiana, 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 one barrel of so-called blackberry cordial, remaining unsold in the original unbroken package in possession of Vic Dubois, New Orleans, La., alleging that the product had been shipped on or about August 30, 1911, by H. F. Kauffman & Co., New York, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrel in which the product was contained was labeled: "Blackberry" "Cordial, B. B., Flavor—Benzoate of Soda—Saccharine."

Adulteration was alleged in the libel for the reason that the labels on the product indicated that it was genuine cordial with blackberry flavor, whereas, in truth and in fact, it was not a genuine cordial with blackberry flavor, but was an imitation blackberry cordial wherein there had been mixed and packed a fermented solution of impure starch sugar so as to reduce, lower, and injuriously affect the quality and strength of the so-called cordial, and said fermented solution of impure starch sugar had been substituted for the genuine cordial, blackberry flavor, which the labels aforesaid indicated was in the barrel containing the product. Misbranding was alleged for the reason that the product bore labels which contained statements regarding the product and the ingredients and substances contained therein which were false and misleading in that they represented the so-called cordial to be genuine cordial, blackberry flavor, whereas, in

truth and in fact, it was not such genuine cordial, but was an imitation product consisting of a fermented solution of impure starch sugar, preserved with benzoate of soda, the quantity of which was not indicated by the label; that the product, labeled as aforesaid, was an imitation of and offered for sale under the distinctive name of another article, to wit, genuine cordial, blackberry flavor, whereas, in truth and in fact, it was not such genuine cordial, and the labels thereon were such as to deceive and mislead the purchaser into believing that it was a genuine cordial, blackberry flavor, when in truth and in fact it was not.

On January 17, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 15, 1912.*