

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2075.

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

MISBRANDING OF FERNET-L-BRANCA.

On June 4, 1912, 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 5 cases, each containing 1 dozen bottles of Fernet-L-Branca, remaining unsold in the original unbroken packages and in possession of V. Viviano & Bros., St. Louis, Mo., alleging that the product had been shipped during the month of May, 1912, by the Cordial-Panna Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "Glass 2 V Viviano Bros (design of bottle) 1022 Seventh St. Louis, Mo." "Fernet-L-Branca The Cordial-Panna Co., Cleveland, Ohio." "Prepared and guaranteed by Prof. Antonio Alai Serial No. 34624". The bottles containing the product bore a label in Italian, which, being translated, read as follows: "Leone Branca and Company's Fernet-L-Branca, Milan, Jany. 15, 1911. Concession A A Italy. The true genuine Fernet-L-Branca the only strengthening tonic guaranteed for its true process of modern manufacture and by lawful medical science. Prepared by Prof. Antonio Alai, Member of the Accademia Chimico Fisica Italiana with the secret of the true formula Leone Branca. Its effect is surprising. Prepared by Prof. Antonio Alai and confirmed by certificate from the European Medical Congress Paris 1909, and by thirty-three testimonials from the most famous members of the Medical Profession." The last statements on the label show awards, or medals given the product by the King

of Italy, and contain caution as to imitations. (In English) "Fernet-L-Branca Leone Branca Italy. Cordial Panna Co., Sole Shipment Cleveland, Ohio. United States Mexico Canada Cuba Porto Rico Guaranteed by Prof. Antonio Alai Licensee Under the Foods and Drugs Act, June 30th 1906. Serial 34624."

Misbranding of the product was alleged in the libel for the reason that the labels upon the cases and bottles indicated that the product was manufactured in Italy, when, in truth and in fact, it was manufactured in Cleveland, Ohio, and for the further reason that the product purported to be a tonic or medicinal preparation and contained 32 per cent ethyl alcohol, and no statement of alcoholic content was announced upon the labels, and the cases and bottles were labeled and branded so as to deceive and mislead the purchaser thereof.

On July 3, 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., *December 7, 1912.*