

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1504.

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

MISBRANDING OF MARASCHINO CHERRIES.

On October 4, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester Liebenthal and Melville Liebenthal, doing business under the firm name of Liebenthal Bros. & Co., Cleveland, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on August 15, 1910, from the State of Ohio into the State of Missouri of a consignment of maraschino cherries, which was misbranded. The product was labeled: "Merbell Brand Maraschino Cherries Artificially colored and preserved with 1.30 of 1 % Sulphur Dioxide. Packed for Kansas City Wholesale Grocery Co., Kansas City, Mo."

Examination by the Bureau of Chemistry showed the following results: "Alcohol, 0.16 per cent; solids, 38.55 per cent; polarization direct at 20° C., -3.8° V., polarization invert at 20° C., -3.9° V. The product is artificially colored with Ponceau 3 R, a coal-tar dye. The flavor of the product resembles that of bitter almonds and has no resemblance to maraschino." Misbranding was alleged in the information on the ground that the label was false and misleading, in that it represented that the article contained in the package in question was genuine maraschino cherries, whereas in truth and in fact the said article was not maraschino cherries but an imitation of them.

On December 2, 1911, defendants entered a plea of guilty and were fined \$50 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

