

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1732.

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

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### ADULTERATION AND MISBRANDING OF MARASCHINO CHERRIES.

During the month of October, 1911, the United States Attorney for the District of Minnesota, 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 9 cases, each containing one dozen bottles of so-called maraschino cherries, remaining unsold in the original unopened packages and in the possession of Barrett & Barrett, a corporation, St. Paul, Minn., alleging that the product had been shipped on or about July 24, 1911, by the Bettman-Johnson Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "1 Doz. Large—Maraschino Cherries—Choice Quality—Pure Food Products—Containing harmless coloring—Barrett & Barrett, St. Paul, Minn.—", and "Maraschino Cherries—Choice Quality—Pure Food Products—Contain Pure Food Color—Guaranteed by the Packer to comply with the National Pure Food and Drugs Act of June 30, 1906. Contains less than 0.008% sulphur dioxide—Weight of contents 32 oz." (On neck of bottle) "Maraschino Cherries—Packed by the Bettman-Johnson Co. Cincinnati, U. S. A."

Adulteration of the product was alleged in the libel for the reason that the cherries had been packed and mixed with a substance, to wit, sugar syrup, which had been substituted in whole or in part for genuine maraschino liqueur, and which said substituted substances reduced, lowered, and injuriously affected the quality and strength of the product. Misbranding was alleged for the reason that said "Maraschino Cherries Choice Quality \* \* \*" were an imitation of and offered for sale under the distinctive name of another article, to wit, genuine maraschino cherries, which had theretofore been packed and mixed with genuine maraschino liqueur and were not maraschino cherries but were cherries which had been packed in a

syrup not flavored with maraschino liqueur, but in a sugar syrup flavored with benzaldehyde or bitter almond; that the product was misbranded for the further reason that, as appeared from the label thereof, each bottle purported to contain 32 ounces, whereas in truth and in fact each contained a much less quantity, to wit, 13 per cent less than 32 ounces, and were misbranded in that the contents of such bottles were not plainly and correctly stated on the outside of the package.

On March 6, 1912, the said Bettman-Johnson Co., claimant, having entered its appearance and claim, and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that, upon payment of all costs and the execution of bond in the sum of \$100 by said claimant in conformity with section 10 of the Act, the product should be released to the claimant.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *August 12, 1912.*

