

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2221.

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

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### ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On November 8, 1912, the United States Attorney for the Southern 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 the Bettman-Johnson Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 1, 1911, from the State of Ohio into the State of New York, of a quantity of so-called "Standard Blackberry Cordial" which was adulterated and misbranded. The product was labeled: "Standard Blackberry Cordial. August Baetzhold Distributors Buffalo, N. Y."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 11.28; solids (grams per 100 cc), 34.377; sucrose, by Clerget, 18.31 per cent; reducing sugars before inversion (grams per 100 cc), 11.12; ash (grams per 100 cc), 0.152; acids, total, as citric (grams per 100 cc), 0.432; esters, fixed, as acetic (grams per 100 cc), 0.0493; total tartaric acid (grams per 100 cc), 0.1267; glycerin (grams per 100 cc), 0.4678.

Adulteration of the product was alleged in the information for the reason that it was sold under and by a name, to wit, Standard Blackberry Cordial, recognized in the United States Pharmacopœia and the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said United States Pharmacopœia and the National Formulary official at the time of the investigation, in that it was a cordial prepared from blackberry wine containing glycerin and tartaric acid, whereas according to said tests standard blackberry cordial should be made from

spices, cordial, and blackberry juice. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it, and the ingredients contained therein, which said statement, to wit, "Standard Blackberry Cordial," was false, misleading, and deceptive, in that it purported and represented the product to be blackberry cordial which conformed to the standard and test set forth and laid down in the United States Pharmacopœia and the National Formulary, whereas, in truth and in fact, it differed in composition from said standard, in that it was prepared from blackberry wine and contained glycerin and tartaric acid, and for the further reason that it contained 11.28 per cent by volume of alcohol, and each barrel containing the product failed to bear a statement on the label and brand thereon of the quantity or proportion of the alcohol so contained in said product.

On November 8, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25, with costs of \$13.45.

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

WASHINGTON, D. C., *January 17, 1913.*

