

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

SERVICE AND REGULATORY ANNOUNCEMENTS.

NOTICE OF JUDGMENT NO. 2768.

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

**U. S. v. 20 Kegs of Blackberry Cordial. Decree of condemnation by default.
Goods released on bond.**

ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On February 2, 1910, the United States Attorney for the District of Oregon, 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 20 kegs of so-called blackberry cordial remaining unsold in the original unbroken packages and in the possession of Rothchild Bros., a corporation, Portland, Oreg., alleging that the product had been shipped on or about January 8, 1910, by E. G. Lyons & Raas Co., San Francisco, Cal., and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Blackberry Flavor Cordial," and "Blackberry Cordial contains one-tenth of one per cent Benzoate of soda, artificially colored, and sweetened with saccharine, and glucose."

Adulteration of the product was alleged in the libel for the reason that synthetic ethers and prohibited coal-tar dye were wholly or in part substituted for blackberry juice or blackberry flavoring and that there was mixed therewith said prohibited coal-tar dye in a manner whereby the inferiority of the product was concealed, and there was added thereto a deleterious ingredient which might and did render said liquor injurious to health, to wit, said prohibited coal-tar dye. Misbranding was alleged for the reason that the labels, stamps, and brands on the product were false and misleading in this: That

the word "Flavor" therein was so placed as to be difficult of discovery to the ordinary person or persons proposing to purchase any of the said liquor, and, further, in that said liquor purported to be a product manufactured from blackberries or blackberry juice, when, in truth and in fact, the same was not manufactured from blackberries or blackberry juice, but was a product composed of water, alcohol, synthetic ethers, sugar, saccharine, and glucose, and colored with a prohibited coal-tar dye and preserved with benzoate of soda, and neither blackberries nor any product of blackberries entered into the manufacture thereof.

On May 31, 1910, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The said Rothchild Bros., pursuant to the judgment of condemnation and forfeiture, having paid the costs of the proceeding and executed a bond in the sum of \$500 in conformity with section 10 of the Act, it was ordered by the court that the product be released and delivered to said claimant.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 5, 1914.*