

3939. Adulteration and misbranding of so-called strawberry punch, grape punch, raspberry punch, and cherry punch. U. S. v. 15 Gallons of Strawberry Punch, 15 Gallons of Grape Punch, 15 Gallons of Raspberry Punch, and 15 Gallons of Cherry Punch. Tried to the court and a jury. Verdicts for the Government. Product ordered destroyed by the court. (F. & D. No. 5589. I. S. Nos. 2391-h, 2392-h, 2393-h, 2394-h. S. No. 2114.)

On February 14, 1914, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 15 one-gallon jugs of strawberry punch, 15 one-gallon jugs of grape punch, 15 one-gallon jugs of raspberry punch, and 15 one-gallon jugs of cherry punch, remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the products had been shipped in June, 1913, and transported from the State of Virginia into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The strawberry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Strawberry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The grape punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Grape Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The raspberry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Raspberry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act, June 30, 1906, Serial No. 42429. Concentrated Fountain Syrup." The cherry punch was labeled: "The Perfection of Purity and Excellence. Magic City German Make Trade Mark Cherry Punch. Refreshing Invigorating The I. S. Fine Corporation, Roanoke, Va. Guaranteed under the Food & Drug Act June 30, 1906, Serial No. 42429."

It was alleged in the libels that the products were adulterated and misbranded in violation of the act of Congress of June 30, 1906, in that they were labeled to be natural fruit sirups, when they consisted of imitation fruit sirups which had been artificially flavored and artificially colored to conceal inferiority and which had been substituted in whole or in part for true fruit sirups in such a manner as to reduce or lower or injuriously affect the purity or strength; and said products were further misbranded in that they were labeled as "Strawberry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," "Grape Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," "Raspberry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," and "Cherry Punch, Concentrated Fountain Syrup, the Perfection of Purity and Excellence," respectively, when in fact the products consisted of imitation sirups which had been artificially colored and flavored in such a manner as to conceal the inferiority of the products.

On November 13, 1914, the case having come on for hearing before the court and a jury, after the submission of the evidence, the jury, at the direction of the court, returned verdicts in favor of the Government, finding the products adulterated and misbranded. It was thereupon ordered by the court that the products should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*