

4555. Adulteration and misbranding of "Wishnick." U. S. v. Louis Weissman. Plea of guilty. Fine, \$20. (F. & D. No. 6813. I. S. No. 3999-h.)

On February 18, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louis Weissman, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 13, 1914, from the State of New York into the State of Connecticut, of a quantity of "Wishnick," which was adulterated and misbranded. The article was labeled: (On end of barrel) "L. Weissman Wishnick Guaranteed under the National Pure Food and Drugs Act by Louis Weissman Also Vegetable Color." (On other end) "29 L. Weissman" (Hebraic characters) "Wishnick For Passover Sweetened with sugar. Artificial Color."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

Solids (per cent)-----	57.76
Ash (per cent)-----	0.045
Alcohol (per cent by volume)-----	0.46
Methyl alcohol: None.	
Volatile acids, as acetic (per cent)-----	0.03
Polarization, direct at 24° C. (° V.)-----	+40.3
Polarization, invert at 24° C. (° V.)-----	-15.4
Polarization, invert at 87° C. (° V.)-----	0.0
Sucrose, by Clerget (per cent)-----	42.63
Glucose: None.	
Reducing sugars, as invert (per cent)-----	14.57
Non-sugar solids (per cent)-----	0.56
Benzaldehyde (per cent)-----	0.025
Benzoate of soda (per cent)-----	0.12
Tartaric acid (per cent)-----	0.38
Phosphoric acid: None.	
Acidity, as tartaric acid (per cent)-----	0.39
Hydrocyanic acid: None.	
Salicylic acid: None.	
Colored with archil.	

The analyses indicated that the product was a sugar sirup flavored with benzaldehyde and tartaric acid, containing little if any cherry.

Adulteration of the article was alleged in the information for the reason that a sugar sirup, artificially colored and flavored, and containing little, if any, cherry fruit, prepared in imitation of Wishnick, had been substituted in whole or in part for genuine Wishnick, a product prepared principally from cherries, which the said article purported to be. Adulteration was alleged for the further reason that the article was a sugar sirup containing little if any cherry fruit, prepared in imitation of Wishnick and had been colored and flavored in a manner whereby its inferiority to genuine Wishnick was concealed.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Wishnick," was false and misleading in that it indicated to purchasers thereof, and was such as to deceive and mislead purchasers thereof into the belief, that the article was genuine Wishnick, a product prepared principally from cherries, when, in truth and in fact, it was not genuine Wishnick, but was a sugar sirup, artificially colored and flavored,

and containing little, if any, cherry fruit. Misbranding was alleged for the further reason that the article was a sugar sirup, artificially colored and flavored, and containing little, if any, cherry fruit, and was an imitation of, and offered for sale under the distinctive name of, another article, to wit, Wishnick, a product prepared principally from cherries.

On February 23, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

CARL VROOMAN, *Acting Secretary of Agriculture.*