

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 380, FOOD AND DRUGS ACT.

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### MISBRANDING OF STRAWBERRY EXTRACT.

On or about December 10, 1908, the Newton Tea & Spice Company, of Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a consignment of a product labeled "Newton's Very Best Extract Strawberry." M. A. Scovell, Director of the Kentucky Agricultural Experiment Station, Lexington, Ky., acting under authority of the Secretary of Agriculture, caused samples of this shipment to be procured and analyzed, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Newton Tea & Spice Company, and the dealer from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the facts were reported to the United States attorney for the Southern District of Ohio.

In due course, a criminal information was filed against the Newton Tea & Spice Company in the District Court of the United States for the Southern District of Ohio, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Newton's very best Extract Strawberry," which statement was false and misleading, in that it tended to lead a purchaser to believe that the product was an extract of strawberry, whereas in fact it was an imitation or artificial extract.

On November 18, 1909, the defendant withdrew a motion to quash the information previously filed and pleaded guilty thereto, whereupon the court imposed upon it a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 19, 1910.*

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