

4077. Adulteration and misbranding of "Maraschino." U. S. v. S. Hirsch Distilling Co. (Minuet Cordial Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5783. I. S. No. 724-e.)

On December 8, 1914, the United States attorney for the Western District of Missouri, 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 S. Hirsch Distilling Co., a corporation, doing business under the name of the Minuet Cordial Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 10, 1912, from the State of Missouri into the State of Texas, of a quantity of "Maraschino" which was adulterated and misbranded. The product was labeled: (Blown in glass on neck of bottle) "Maraschino" with Austrian coat of arms. (Main label) "Maraschino Zara Style Liqueur (Design of eagle on sphere) Minuet Cordial Co., Kansas City, Missouri." (On shipping container) (Ends) "Maraschino. Guaranteed Serial No. 5597" (Top) "12 btls." "Glass," "Minuet Cordial Co., Kansas City, Missouri."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent).....	29.5
Solids (per cent).....	26.9
Esters (grams per 100 cc)	0.0022
Aldehydes (grams per 100 cc)	0.0004
Benzaldehyde: Present.	

The sample does not have the flavor of genuine maraschino, but is a product prepared essentially from spirits and artificially flavored to imitate genuine maraschino.

Adulteration of the article was alleged in the information for the reason that an imitation product flavored with benzaldehyde had been substituted in whole or in part for genuine maraschino which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Maraschino" and the Austrian coat of arms blown on [in] the bottle containing said article, and the statement "Maraschino Zara Liqueur" with the word "Style" in inconspicuous type, borne on the label thereof, were false and misleading in that they purported and represented said article to be a genuine maraschino liqueur, whereas, in truth and in fact, said article was not a genuine maraschino liqueur, but was an imitation product flavored with benzaldehyde. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "Maraschino," whereas, in truth and in fact, it was not maraschino, but was an imitation product flavored with benzaldehyde; and, further, for the reason that it was labeled and branded "Maraschino Zara Liqueur" with the word "Style" in inconspicuous type, which said statement, together with the Austrian coat of arms blown on [in] the bottle, as aforesaid, and the style and appearance of the package, which was made to resemble containers as used by the foreign manufacturers of the genuine article, were calculated to mislead and deceive the purchasers into the belief that said article was a maraschino liqueur of foreign manufacture, whereas, in truth and in fact, it was not so, but was, on the contrary, of domestic origin, to wit, an imitation product flavored with benzaldehyde made in the United States of America.

On June 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 20, 1915.