

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1432.

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

MISBRANDING OF CREME DE MENTHE CHERRIES.

On January 31, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against Minna W. Rheinstrom, as executrix of the estate of Abraham Rheinstrom, deceased, trading and doing business under the name and style of Rheinstrom Bros., alleging shipment by her, under the Food and Drugs Act, on or about February 5, 1910, from the State of Ohio into the State of New York of a quantity of "Crème de Menthe" cherries, which were misbranded. The product was labeled "Augourmet Brand Crème de Menthe Cherries artificially colored keep on ice after opening."

Analysis of sample of said product made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results:

Solids (grams per 100 cc)	45.0
Alcohol	None.
Oil peppermint	Trace.
Polarization :	
Direct, 22° C	-12.0
Invert, 22° C	-12.0
Invert, 87° C	0.0
Benzoic acid	None.
Boric acid	None.
Salicylic acid	None.
Color: Corresponds to mixture Light Green S F and Naphthol Yellow S.	

Misbranding was alleged in the information as follows:

"First, That said article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that said

label and brand was calculated and intended to, and it did, create the impression and belief in the mind of the purchaser thereof, that said article of food then and there contained or was flavored with a certain liqueur, commonly known as 'Crème de Menthe,' or that said article of food was packed or preserved in said liqueur; whereas, in truth and in fact, said article of food then and there did not contain said liqueur, and was not flavored with, nor packed, nor preserved in said 'Crème de Menthe' liqueur;

"Second, That said label and brand, on said article of food, did then and there bear a statement regarding said article of food, and the ingredients and substances contained therein, which said statement, to wit, 'Crème de Menthe Cherries,' was then and there false, misleading, and deceptive, in that said statement represented said article of food then and there to contain a liqueur, commonly known as 'Crème de Menthe,' or to be flavored with or packed or preserved in said liqueur; whereas, in truth and in fact, said article of food did not contain said 'Crème de Menthe' liqueur, nor was it flavored with, nor packed, nor preserved in said liqueur, and the said statement therefore was then and there untrue and false."

On January 31, 1912, defendant pleaded guilty and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1912.*