F. & D. No. 3244.
I. S. No. 17603-c.

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1439.

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

MISBRANDING OF MARASCHINO CHERRIES.

On January 9, 1912, the United States Attorney for the District of Minnesota, acting upon a report from the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Stone-Ordean-Wells Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 2, 1910, from the State of Minnesota into the State of Montana, of a quantity of maraschino cherries which were misbranded. The product was labeled: "Guaranteed by Stone Ordean Wells Co., under Serial No. 23539—Colored with Cochineal—Lake Hiawatha Brand—Keep in ice after using—Red Maraschino Cherries—Packed for Stone Ordean Wells Co., Duluth, Minnesota."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Alcohol, by volume, 0.1 per cent; sulphites solids, none; color, cochineal; (contents): solids (238 grams), juice (146 grams). Misbranding was alleged for the reason that said "maraschino cherries" were in imitation of and offered for sale under the distinctive name of another article, to wit, genuine maraschino cherries, which had heretofore been packed and mixed with genuine maraschino liqueur; whereas said maraschino cherries were not genuine maraschino cherries, but were, in fact, cherries which had been packed in a syrup not flavored with maraschino. Misbranding was further alleged for the reason that the label represented the product to be genuine maraschino cherries, which said label was false and misleading and deceptive in that it led the purchaser to believe that said article was packed in genuine maraschino liqueur, or in liquid flavored with that substance, when in fact said maraschino cherries were packed in syrup not flavored with maraschino.

On January 11, 1912, the defendant pleaded guilty and was fined $5.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 9, 1912.*

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