

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1571.

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

MISBRANDING OF CHERRIES IN MARASCHINO.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, after presentation by the United States Attorney, acting upon a report by the Secretary of Agriculture, returned an indictment against the Fleischmann-Clarke Co., a corporation, San Francisco, Cal., alleging shipment by it, in violation of the Food and Drugs Act, on June 9, 1910, from the State of California into the State of Oregon, of a consignment of ten cases of so-called "Golden Gate Cherries in Maraschino," which were misbranded. The product was labeled: "Golden Gate Cherries in Maraschino. The Fleischmann Co., San Francisco. Colored with a harmless imported coal tar derivative. Preserved with two tenths of one percent of benzoate of sodium."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Alcohol (per cent by volume).....	3.74
Sucrose (per cent).....	24.89
Invert sugar (per cent).....	15.65
Color.....	Erythrosin.
Benzoate of soda (per cent).....	.38
Product has the odor and flavor of bitter almonds or benzaldehyde.	
It has no flavor of maraschino.	

Misbranding was charged in the indictment for the reason that the label and the words thereon were false and misleading in that said label gave and would give to the purchaser thereof the impression that the product contained in each of said bottles consisted of cherries preserved and packed in maraschino or in a syrup flavored with maraschino, whereas, in truth and in fact, the said cherries were not packed nor preserved in maraschino nor in a syrup flavored with maraschino, but in a sugar syrup having none of the flavoring characteristics or qualities of maraschino.

On March 26, 1912, the defendant entered a plea of guilty to the indictment and the court thereupon imposed a fine of \$100.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., June 10, 1912.