

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1628.

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

MISBRANDING OF BLACKBERRY CORDIAL.

On January 30, 1912, the United States Attorney for the Eastern 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 Emil Nathan and E. D. Ullman, doing business under the firm name of the American Supply Co., St. Louis, Mo., alleging shipment by them, in violation of the Food and Drugs Act, on or about June 3, 1911, from the State of Missouri into the State of Illinois of a consignment of blackberry cordial which was misbranded. The product was labeled: "Blackberry" "Ullman's Cocktail American Supply Co. St. Louis, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 28.86; nonsugar solids (grams per 100 cc), 6.84; reducing sugars after inversion (grams per 100 cc), 22.02; polarization direct at 28° C., 18 (normal weight); polarization invert at 28° C., 18; polarization invert at 87° C., 18; sucrose (Clerget), none; glucose (factor 1.63), 11.05 per cent; alcohol (per cent by volume), 9.65; methyl alcohol, none; color largely coal tar; reactions of amaranth. Tests by ammonia and lead subacetate show absence of blackberry fruit. Flavor very slightly bitter; spiced; sickeningly sweet. Benzoates present. Saccharin present. Misbranding was alleged in the information for the reason that the labels on the product contained certain statements, designs, and devices regarding said product, and the substances and ingredients contained therein, which were false and misleading, to wit, "Blackberry" and "Ullman's Cocktail," and said product was further misbranded in that it was labeled so as to

deceive and mislead the purchaser, for the reason that it contained no blackberry and such use of said word "Blackberry" was false and misleading as applied to the product, and it was labeled and branded so as to mislead and deceive the purchaser into the belief that it contained blackberry, whereas, in truth and in fact, no blackberry was present therein.

On March 21, 1912, the defendants entered a plea of guilty and the court imposed a fine of \$10 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 21, 1912.*

