

**6398. Adulteration and misbranding of Grego beverage. U. S. \* \* \* v. Brocton Fruit Products Co., a corporation. Plea of guilty. Fine, \$500.** (F. & D. No. 8503. I. S. Nos. 4728-m, 4729-m, 4730-m, 4731-m.)

On December 11, 1917, the United States attorney for the Western District of New York, 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 Brocton Fruit Products Co., a corporation, Brocton, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 6, 1917 (4 shipments), from the State of New York into the State of Maryland, of quantities of an article labeled in part, "Grego Beverage," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

(4728-m) Salicylic acid (gram per 100 cc)-----	0.043
Coal tar color: None.	
(4729-m) Salicylic acid (gram per 100 cc)-----	.045
Colored with amaranth, S&J 107 and caramel.	
(4730-m) Salicylic acid (gram per 100 cc)-----	.041
Coal tar color: None.	
(4731-m) Salicylic acid (gram per 100 cc)-----	.043
Colored with caramel and a small amount of amaranth, S&J 107.	

Adulteration of the article in each shipment was alleged in the information for the reason that it contained an added poisonous or deleterious ingredient, to wit, salicylic acid, which might render the article injurious to health.

Misbranding of the article was alleged for the reason that the statements, to wit, "Artificially colored to conform with F. I. D. U. S. D. of A.," and "Contains 1/10 of 1% Benzoate of Soda," borne on the kegs containing the article, regarding it, and the ingredients and substances contained therein, were false and misleading in that they represented that the article was artificially colored to conform with [a] food inspection decision of the United States Department of Agriculture, and that it contained as a preservative  $\frac{1}{10}$  of 1 per cent benzoate of soda; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was artificially colored to conform with [a] food inspection decision of the United States Department of Agriculture and that it contained as a preservative  $\frac{1}{10}$  of 1 per cent of benzoate of soda, whereas, in truth and in fact, it was not artificially colored to conform with any food inspection decision of the United States Department of Agriculture and did not contain as a preservative any benzoate of soda but contained as a preservative salicylic acid. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 4, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$500.

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