

5138. Adulteration and misbranding of "Marischino Yochim Freres Liqueur Cordiale." U. S. * * * v. Yochim Brothers Co., Ltd., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 7442. I. S. No. 1836-k.)

On December 15, 1916, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Yochim Brothers Co., Ltd., a corporation, New Orleans, La., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 16, 1914, from the State of Louisiana into the State of Georgia, of a quantity of an article labeled in part, "Marischino Yochim Freres Liqueur Cordiale," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	26.0
Benzaldehyde (gram per 100 cc).....	0.008
Anise oil: Present.	
Organoleptic test: Strong taste and odor of anise, entirely unlike maraschino.	

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, a product other than maraschino, artificially flavored, had been substituted, in whole or in part, for maraschino, which the article purported to be.

Misbranding was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein appearing on its label, to wit, "Marischino," was false and misleading in that it indicated to the purchasers thereof that the said article was genuine maraschino; and for the further reason that the article was labeled, "Marischino," so as to deceive and mislead purchasers into the belief that it was genuine maraschino, when in truth and in fact it was not, but was, to wit, a product artificially flavored in imitation of maraschino. Misbranding was alleged for the further reason that the article was, to wit, a product other than maraschino, artificially flavored, and was an imitation of, and was offered for sale under the distinctive name of another article, to wit, maraschino. Misbranding was alleged for the further reason that the statement regarding the article and the ingredients and substances contained therein, appearing on its label, to wit, "By volume 18 per cent alcohol," was false and misleading in that it indicated to purchasers thereof that the article contained not more than 18 per cent of alcohol, and for the further reason that it was labeled, "By volume 18 per cent alcohol," so as to deceive and mislead purchasers into the belief that it contained not more than 18 per cent of alcohol, when, in truth and in fact, it contained more than 18 per cent of alcohol, to wit, 26 per cent thereof. Misbranding was alleged for the further reason that the article was a domestic product and had been manufactured in the United States of America, to wit, in the city of New Orleans, State of Louisiana, and purported to be a foreign product, to wit, a product of the Republic of France.

On January 23, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*