

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2737.

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

U. S. v. The Cordial Panna Co. Plea of guilty to count 1 of the information. Fine, \$25 and costs. Count 2 of the information nolle prossed.

MISBRANDING OF CORDIAL PANNA; ALLEGED MISBRANDING OF FERNET-L-BRANCA.

On January 20, 1913, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against the Cordial Panna Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act—

(1) On or about October 26, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of cordial panna which was misbranded. This product was labeled: "A. Alai" "Registered Trade Mark The Cordial Panna Co. Sole Producers Cleveland, Ohio. U. S. A. Esposizione Del Lavoro E. Dell Industria Noma 1908 Aids Digestion—A sustaining Stimulating Auxiliary Food. Rich in all Nutritive Principles. Milk Cordial—Panna Cream A Health Tonic Guaranteed by Antonio Alai under the Food and Drug Act June 30, 1906. Serial No. 34624 Vittorio Emanuele III Re D Italia Prepared by Professor Antonio Alai, Suterville, Pa. Esposizione Industrie Inventioni Moderno Milano 1909." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 27.72; solids (grams per 100 cc), 17.26; sucrose, Clerget (grams per 100 cc), 16.13; reducing sugars direct (grams per 100 cc), 0.48; polarization, direct, at 20° C., +16° V.; polarization, invert, at 20° C.,

—5.4° V.; nitrogen, 0.009 per cent; methyl alcohol, none; ether extract, 0.005 per cent; coal-tar color, present; color, non-amido sulphonated color and corresponds to Tartrazin. Misbranding of the product was alleged in the first count of the information for the reasons: First, that the statements "pazina", "milk", and "cream", taken in connection with the picture of a cow borne on the label, were false and misleading because they misled and deceived the purchaser into the belief that the product contained milk and cream, when, as a matter of fact, it contained neither milk nor cream; second, that the statement "Rich in all nutritive principles" borne on the label was false and misleading inasmuch as the product was not rich in all nutritive materials, notably proteid and fat; third, that the statements "Esposizione Del Lavoro E Dell' Industria Noma 1908 Esposizione Industrie Inventioni Moderno Milano 1909" borne on the label were false and misleading because they misled and deceived the purchaser into the belief that the product was a foreign product when, as a matter of fact, it was a domestic product; fourth, that it contained alcohol and the package failed to bear a statement on the label of the quantity or proportion of the said alcohol contained therein.

(2) On or about November 22, 1911, from the State of Ohio into the State of Pennsylvania, of a quantity of Fernet-L-Branca which was alleged to have been misbranded. This product was labeled: "Leone Branca Fernet-L-Branca DI Leone Branca E. Comp. Milano, Genaio 15, 1911. Concessions A. A. Italia II Vergo genuino Fernet L. Branca d il solo tonico corobornate garantito del suo vere processo di moderna fabbricazione e sotto la giuridica sienza medica. Preparato dal Prof. Antonio Alai membro dell' accademia chimico Fisica Italiana, col segreto di vera formula di Leone Branca. E. sorprendente il suo effectto, preparato dal Prof. Antonio Alai e confermato con certificato congresso medico Europec Parigi 1909 e di 33 attestati delle piu Illustre personalita mediche, Onorato Da medaglia D'oro S M. II re'd'Italia una croce al merito due gran premi quattro diploma quattro medaglie d'oro due di Bronzo. A scanso di centraffazione ogni etichetta porta la firma Leone Branca Co., un altra etichetta per ante la stessa firma e posta sul collo della Bottiglia." (Likeness of a medal with the words "Professor Antonio Alai") (Another likeness of a medal with the words, "Vittorio Emanuele III Re D Italia") "Fernet-L-Branca Leone Branca Italy Cordial Panna Co. Sole Shipment Cleveland, Ohio United States Mexico Canada Cuba Porto Rico Guaranteed by Prof. Antonio Alai Licensee under the Food and Drugs Act, June 30th, 1906 (Serial 34624)" (The words "Leone Branca" in imitation of hand writing across the label). Analysis of a sample of the product by said

Bureau of Chemistry showed the following results: Alcohol (per cent by volume), 46.96; solids (grams per 100 cc), 6.954; reducing sugar direct (grams per 100 cc), 0.56; reducing sugars, invert (grams per 100 cc), 5.77; ash (grams per 100 cc), 0.16; nitrogen (grams per 100 cc), 0.005; methyl alcohol, none. Misbranding of this product was alleged in the second count of the information for the reasons: First, that it was an imitation of and was offered for sale under the name of another article, to wit, Fernet-L-Branca, a well-known foreign bitters; second, in that it contained alcohol and the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On February 28, 1913, the defendant company entered a plea of guilty to the first count of the information and the court imposed a fine of \$25 and costs. The second count was nolle prossed.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 13, 1913.*

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