

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

---

### NOTICE OF JUDGMENT NO. 405, FOOD AND DRUGS ACT.

---

#### ADULTERATION AND MISBRANDING OF BANANA EXTRACT.

On or about January 14, 1909, the Webb Mfg. Co., of Nashville, Tenn., shipped from said city to Selma, Ala., a quantity of a certain article of food contained in bottles labeled "Pure Concentrated Extract of Banana." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Webb Mfg. Co., and the dealer from whom the samples were purchased, opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee charging that the product was shipped as above stated and was adulterated within the meaning of section 7 of the aforesaid act, paragraphs second and fourth, under foods, in that it was in no proper sense a pure concentrated extract of banana, which it falsely purported to be, but that another substance had been substituted for said extract of banana, and further charging that said product was misbranded within the meaning of section 8 of the said act, paragraph fourth, under foods, in that its labels stated it to be a "pure concentrated extract of banana," when, as a matter of fact, it was not an extract of banana at all, but a mere imitation of banana flavor, said labels therefore being false and misleading.

The defendant upon arraignment entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*