

Issued March 15, 1911.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 775, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF PEPPERMINT EXTRACT.

On or about March 16, 1910, Cook & Bernheimer, a corporation, New York City, shipped from the State of New York into the State of Colorado a consignment of peppermint extract labeled as follows: "Extract of peppermint; Maure frères Brand. Made by Cook & Bernheimer Co., New York. Distillateurs Liqueurs Fines, Sirops, etc." "Qualité supérieure" "Ext. of peppermint." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Oil of peppermint 1.7 per cent, alcohol by volume 58.12 per cent, methyl alcohol none, colored with naphthol yellow S and light green S. F. yellowish. As the analysis and report 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 Cook & Bernheimer, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Cook & Bernheimer, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored with coal-tar dyes which materially lowered its quality and strength; and that the product was misbranded in that the label was false and misleading, and the product was labeled so as to deceive and mislead the purchaser in that said label indicated that the product was an extract of peppermint, whereas, in truth and in fact, it was not an extract of peppermint but a weak solution containing less than 3 per cent of the oil of peppermint.

On December 12, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 14, 1911.*

