

Issued October 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1104.

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

ADULTERATION AND MISBRANDING OF COMPOUND VANILLA FLAVOR.

On March 15, 1911, the United States Attorney for the Eastern District of Missouri, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying condemnation and forfeiture of one keg of compound vanilla flavor in the possession of N. Terzis, St. Louis, Mo. The product was labeled: "Compound Vanilla Flavor XX Star Extract Works—Importers and Manufacturers of Essential Oils, Flavoring Extracts and Supplies, 205 Fulton St., New York. Guaranteed under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 5187. M. D.—N. Terzis, 4964 Delmar St., St. Louis, Mo. 71633—Big Four—East St. Louis 3-6."

Analysis of samples from said consignment, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Alcohol, 22 per cent; methyl alcohol, absent; vanillin, 1.18 per cent; coumarin, 0.14 per cent; vanilla resins, none perceptible; Winton lead number, 0.09 per cent; coloring matter, small amount of caramel indicated. The libel alleged that the said vanilla flavor, after transportation from New York into Missouri, remained in the original unbroken package, and was adulterated and misbranded in violation of the Food and Drugs Act, June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that the said product was not vanilla flavor or vanilla extract, but that a substance consisting of vanillin, coumarin, and dilute alcohol had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength and substituted wholly or in part for said article, and for the further reason that the said product had been

artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label represented said product as a compound vanilla flavor, when in fact it was not a compound vanilla flavor, but an imitation thereof, and was therefore false and misleading, and calculated to mislead and deceive the purchaser of said product.

On June 12, 1911, the said cause coming on to be heard and no person appearing as claimant, the court found that the said product was adulterated and misbranded as alleged in the libel, and that the United States was entitled to a decree of condemnation as in the libel prayed for. Accordingly, a decree was entered on that day condemning and forfeiting the product to the United States, and ordering its destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 30, 1911.*

