

United States Department of Agriculture,

OFFICE OF THE SECRETARY

NOTICE OF JUDGMENT NO. 1126.

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

MISBRANDING OF VANILLA EXTRACT, LEMON EXTRACT, ESSENCE OF BITTER ALMOND, ESSENCE OF WINTERGREEN, ESSENCE OF PEPPERMINT.

On September 7, 1910, the Christiani Drug Company, Inc., of the city of Washington, in the District of Columbia, offered for sale and sold within said District to John F. Earnshaw, an inspector of this Department, certain food products labeled as follows: (On carton) "Two ounces, Christiani's Premier Brand Extract of vanilla; contains 60 per cent. Alcohol. Christiani Standard of quality, Manufactured by Christiani Drug Company, Inc., 426 Ninth St., N. W., 638 Pennsylvania Ave., N. W., and Union Station, Washington, D. C. (Guaranty Legend) Serial No. 2318." (On carton) "Two ounces, Christiani Premier Brand Extract of Lemon, contains 92 per cent. Alcohol, Christiani Drug Company, Inc., 426 Ninth St., N. W., 638 Pennsylvania Ave., N. W., and Union Station, Washington, D. C., (Guaranty Legend) Serial No. 2318." The product marked I. S. No. 5995-c was labeled: (On carton) "Two ounces, Christiani's Premier Brand Essence of Bitter Almond. Contains 77 per cent. Alcohol. Christiani Drug Company, Inc., 429 Ninth St., N. W., 638 Pennsylvania Ave., N. W., Union Station, Washington, D. C., (Guaranty Legend) Serial No. 2318." The product marked I. S. No. 5996-c was labeled: (On carton) "Two ounces Christiani's Premier Brand Essence of Wintergreen; contains 91 per cent. Alcohol. Christiani Standard of Quality. Manufactured by Christiani Drug Company, Inc., 429 Ninth St., N. W., 638 Pennsylvania Ave., N. W., and Union Station, Washington, D. C., (Guaranty Legend) Serial No. 2318." The product marked I. S. No. 5997-c was labeled: (On carton) "Two ounces Christiani's Premier Brand Essence of Peppermint; contains 86 per cent. of Alcohol. Christiani Standard of quality. Manufactured by Christiani Drug Company, Inc., 429 Ninth St., N. W., 638 Pennsylvania Ave., N. W., and Union Station, Washington, D. C., (Guaranty Legend) Serial No. 2318."

These products, which, for purposes of identification, were designated by said inspector as I. S. Nos. 5993-c, 5994-c, 5995-c, 5996-c, and 5997-c, respectively, by which numbers they will be hereinafter referred to, were analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analysts and report thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Christiani Drug Co., Inc., was afforded an opportunity for a hearing. As it appeared after hearing held that said sales were 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 prosecutions. In due course criminal informations were filed in the Police Court in the District of Columbia against the said Christiani Drug Co., Inc., charging the sales as aforesaid, and alleging misbranding of each of the aforesaid products on the ground that the labels of each of said products were false and misleading and calculated to mislead and deceive the purchaser in this, to wit, that each label contained statements as to the amount of the contents of the bottle, and content of alcohol, which were false, in that the bottles in each case contained a less amount of the product, and a different percentage of alcohol, than that stated on the label. Misbranding was further alleged in the case of the lemon extract, I. S. No. 5994-c, for the reason that the said label represented the product to be an extract of lemon when in fact it was not an extract of lemon but a diluted extract of lemon. The five informations filed against the defendant company contained a total of eleven counts, alleging misbranding as aforesaid.

On June 9, 1911, the said defendant company, through its secretary, Orlando G. Hall, entered a plea of guilty to each and every count of each information; whereupon the court imposed fines aggregating \$280.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 20, 1911.*