

Issued May 15, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1355.

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

ADULTERATION AND MISBRANDING OF EXTRACT OF PEPPERMINT.

On April 28, 1911, the grand jurors of the United States, in and for the Western District of Missouri, on presentation by the United States Attorney, acting on a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against the S. Hirsch Distilling Co., a corporation doing business under the name of Minuet Cordial Co., alleging shipment by it, in violation of the Food and Drugs Act, on or about September 1, 1910, from the State of Missouri into the State of Illinois of a consignment of extract of peppermint which was adulterated and misbranded. The product was labeled: (On bottle) "Peppermint Extract, Prepared from finest peppermint leaves, Guaranty Legend. Serial No. 5897." (On case) "Peppermint Extract, 24 pts., 23902, H. Dirden Liq. Co., 400 E. Broadway, E. St. Louis, Ill."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

Capacity of bottle, filled to the neck, 360 cc (ounces).....	12.18
Shortage (per cent).....	23.9
Alcohol (per cent by volume).....	49.95
Methyl alcohol.....	None.
Peppermint oil.....	Trace.
Coloring matter.....	Purely artificial.

This coloring matter is soluble in water (and was entirely taken up by wool from an acid bath), whereas the coloring matter of peppermint leaves (Chlorophyll) is insoluble in water.

Adulteration was alleged in the indictment, for the reason that there was mixed and packed with said product a certain substance, to wit, a highly dilute extract of peppermint, thereby reducing and lowering and injuriously affecting the quality and strength of the contents of said packages, and there was substituted for genuine

peppermint extract, as known to commerce and trade, and to the public generally, an adulterated compound, containing only a highly dilute and very weak, hardly perceptible extract of peppermint, thus damaging and injuriously affecting said product as food for human consumption; and that said contents of said packages were artificially colored in a manner whereby the damaged condition and inferiority thereof was concealed. Misbranding was alleged in the indictment because said product was offered for sale and sold as genuine peppermint extract, as the same is known in trade and commerce and to the public generally, under the distinctive name of another article, that is to say, that the article contained in said packages was not a genuine peppermint extract, but was a very weak and highly diluted extract of peppermint, in which peppermint was scarcely perceptible, and which was artificially colored for concealing said weak and adulterated condition, the same was offered for sale and sold as a genuine peppermint extract, as the same is commercially known. Misbranding was further charged because the label was false and misleading, in that it implied that the contents of said bottles was genuine peppermint extract, as commercially known, when in fact said bottles contained only a very weak, highly diluted and highly adulterated peppermint extract.

On November 11, 1911, the defendant pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 29, 1912.*

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