

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2198.

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

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On July 16, 1912, the United States Attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 420 boxes, each containing 12 two-ounce bottles of vanilla extract remaining unsold in the original unbroken packages and in possession of the Fargo Mercantile Co., Fargo, N. Dak., alleging that the product had been shipped on or about April 9, 1912, by the Steinwender-Stoffregen Coffee Co., St. Louis, Mo., and transported from the State of Missouri into the State of North Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "About 2 ounces Diamond Sheaf Brand Pure Extract of Vanilla. Alcohol 40 per cent. Packed for Fargo Merc. Co. Fargo, N. D." (On cartons) "About 2 ounces Diamond Sheaf Brand Extract of Vanilla. Alcohol 40 per cent for flavoring Ice-cream, Jellies, Custards, Sauces, etc. Manufactured for Fargo Mercantile Co. Fargo, N. D. To consumer. These extracts are manufactured in accordance with the Pure Food Laws of all States, and are of extra strength and quality, Fargo Mercantile Co., Fargo, N. D. For flavoring ice cream, jellies, custards, etc." (On bottles) "Two oz net Diamond Sheaf Brand Pure Extract of Vanilla. Alcohol 40 per cent. Packed for Fargo Merc. Co. Fargo, N. D."

Adulteration of the product was alleged in the libel for the reason that although it purported and was represented to be pure extract of vanilla, in truth and in fact it was not so, but was a substance containing a dilute extract of vanilla so mixed and packed with other and inferior substances as to reduce, lower, and injuriously affect the

quality and strength of the product, and other substances inferior to the pure extract of vanilla had been substituted therein for pure vanilla extract. Misbranding was alleged for the reason that the labels on the product falsely stated and represented that the contents of the bottles was pure extract of vanilla and that it was manufactured in accordance with the pure food laws of all States and that it was of extra strength and purity, although in truth and in fact it was a diluted and adulterated extract of vanilla and was not manufactured in accordance with the pure food laws of any State and was of a strength and quality greatly inferior to pure extract of vanilla, and said false statements and representations on the labels were false and untrue and tended to mislead and deceive the purchaser of the product.

On August 9, 1912, the said Steinwender-Stoffregen Coffee Co., claimant, having filed their petition, offering to pay all costs of the proceeding and to execute bond in conformity with section 10 of the Act, it was ordered by the court that upon filing of said bond in the sum of \$500 and the payment of the costs the product should be released and delivered to said claimants and that the proceedings should be dismissed.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 11, 1913.*