

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2200.

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

ADULTERATION AND MISBRANDING OF ORANGE FLAVOR.

On October 19, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence Mihalovitch and Albert Mihalovitch, copartners, trading and doing business under and by the firm name of The American Products Co., Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on June 6, 1911, from the State of Ohio into the State of Missouri of a quantity of orange flavor which was adulterated and misbranded. The product was labeled: (On cartons) "Zanol concentrated non-alcoholic Pure Food Flavors—Food Colors—Orange Flavor, Pure, Economical, Sanitary. American Products Co. * * * Cincinnati, * * * Serial No. 22115-a * * *." (On tubes) "Zanol Concentrated Non-Alcoholic Food Flavors, Orange Flavor; composed of Oil of Orange, Glycerine, and a vegetable gum * * * American Products Co., Cincinnati, * * * 4 Drops equal a teaspoonful of ordinary extract, * * * fourteen drops to equal an ounce, * * *."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Orange oil, 2.5 per cent; glycerin, present; gums, present. Adulteration of the product was alleged in the information for the reason that a dilute flavor of orange was mixed and packed as, for, and with said article, purporting to be orange flavor, so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a dilute flavor of orange, containing only one-half the required amount of oil of orange, was substituted wholly for what said article purported to be. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label and brand was calculated and intended to and did convey the impression and create the belief in the mind of the purchaser thereof that it was orange flavor or extract which conformed

to the known and recognized standards of quality and strength established therefor, whereas, in truth and in fact, it was not so, but was a dilute flavor of orange, containing only one-half the required amount of oil of orange, to wit, 2.5 per cent. Misbranding was alleged for the further reason that the label and brand bore statements regarding the product and the ingredients and substances contained therein which said statements, to wit, "Orange Flavor" and "4 Drops equal a teaspoonful of ordinary extract—fourteen drops to equal an ounce" were false, misleading, and deceptive in that said statements purported and represented the product to be a genuine and standard orange flavor or extract which conformed to the known and recognized standards of quality and strength established therefor, whereas, in truth and in fact, it was not such orange flavor, but was a dilute flavor of orange, containing only one-half the required amount of oil of orange, to wit, $2\frac{1}{2}$ per cent, and 4 drops thereof were not equal to a teaspoonful of ordinary extract, nor would 14 drops thereof equal one ounce of the ordinary extract.

On November 8, 1912, a plea of nolo contendere was entered on behalf of defendants and the court imposed a fine of \$25, with costs of \$14.75.

W. M. HAYS,
Acting Secretary of Agriculture.

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