

Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2467.

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

U. S. v. Hudson Manufacturing Co. Plea of guilty. Fine, \$100 and costs.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On November 5, 1910, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information, and on February 21, 1913, an amended information, against the Hudson Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 8, 1909, from the State of Illinois into the State of Texas, of a quantity of so-called vanilla extract which was adulterated and misbranded. The product was labeled: "Mexican Vanilla Tonka Extract, Hudson Mfg. Co., Chicago, U. S. A." with a shipping tag covering the words "Tonka" on the said label.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity (15.6° C./15.6° C.), 1.0218; solids, 10.08 per cent; vanillin, 0.64 per cent; coumarin, 0.08 per cent; coumarin, qualitative tests, positive; caramel, amyl alcohol test, present. Adulteration of the product was alleged in the information for the reason that an imitation of vanilla extract containing vanillin, coumarin, and artificial coloring matter in solution had been mixed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further for the reason that an imitation of vanilla extract containing vanillin, coumarin, and artificial coloring matter in solution had been substituted in part for the product labeled "Mexican Vanilla Tonka Extract."

Adulteration was alleged for the further reason that the product was artificially colored in a manner whereby inferiority was concealed, in that the artificial coloring matter aforesaid gave to the imitation vanilla extract the color of genuine vanilla extract. Misbranding of the product was alleged for the reason that it was an imitation of another article of food, to wit, pure vanilla extract, in that it contained vanillin, coumarin, and dilute alcohol artificially colored, and further it was offered for sale under the distinctive name of another article of food, to wit, pure vanilla extract. Misbranding was alleged for the further reason that the product was labeled as set forth above, which said statement in the label was false and misleading, in that it represented to the purchaser that the product was a genuine vanilla extract conforming to the commercial standard for such article, to wit, a flavoring extract prepared from vanilla bean with or without sugar or glycerine and containing in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean, whereas, in truth and in fact, it contained not to exceed 2 grams of the vanilla bean in 100 cubic centimeters thereof. It was further alleged that the aforesaid statement in the label was false and misleading, in that it represented to the purchaser that the product was a genuine vanilla tonka extract, and that the vanilla extract contained therein, to wit, the vanilla tonka extract aforesaid, conformed to the commercial standard for such an article of food, to wit, a flavoring extract prepared from vanilla bean with or without sugar or glycerine and containing in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean in 100 cubic centimeters thereof, whereas, in truth and in fact, it contained not to exceed 2 grams of the vanilla bean in 100 cubic centimeters thereof.

On February 20, 1913, the case having come on for trial, at the conclusion of the introduction of evidence by the Government, the defendant withdrew its former plea of not guilty and entered a plea of guilty, and thereupon the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 27, 1913.*