

Issued November 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2609.

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

U. S. v. Dr. J. B. Lynas & Son. Plea of guilty. Fine, \$200 and costs.

ADULTERATION AND MISBRANDING OF VANILLA AND LEMON FLAVOR.

At the November, 1912, term of the District Court of the United States for the District of Indiana the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Dr. J. B. Lynas & Son, a corporation, Logansport, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Indiana into the State of Illinois—

(1) On December 14, 1911, of a quantity of vanilla flavor which was adulterated and misbranded. This product was labeled: "Dr. Lynas' JBL Vanilla Flavor For Ice Cream xxx 'Quality Talks' 33 $\frac{1}{3}$ % cheaper. M'd. by Dr. J. B. Lynas & Son, Logansport, Ind." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Vanillin, 0.26 per cent; coumarin, 0.025 per cent; coumarin, Leach test, positive; coumarin, alcoholic potash test, positive; resins, trace; normal lead number, 0.35; color value of extract—red 50.00, yellow 150.0; color value of lead filtrate—red 4.2, yellow 13.4; per cent original color in lead filtrate—red 8.4, yellow 8.9; ratio red to yellow, extract, 1:3.0, ratio red to yellow, lead filtrate, 1:3.1; per cent color insoluble in amyl alcohol, 66.6. Adulteration of this product was charged in the indictment for the reason that a certain substance, to wit. a compound of vanillin, coumarin, and vanilla extract, had been mixed therewith so as to injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, a compound of vanillin, coumarin, and vanilla extract, had been substituted in part for the product. Misbranding was charged for the reason that the statement "Vanilla Flavor" printed on the pasteboard carton and package, regarding the product, was false and misleading, in that

said product was not vanilla flavor made from pure vanilla beans, but in truth and in fact was a compound of vanillin, coumarin, and vanilla extract.

(2) On December 14, 1911, of a quantity of lemon flavor which was adulterated and misbranded. This product was labeled: "Dr. Lynas' JBL Lemon Flavor Compound Made from Pure Oil Lemon, Orange, Color, etc. For Ice Cream XXX Use sparingly XXX M'f'd. by Dr. J. B. Lynas & Son, Logansport, Ind. (Guaranty legend) Serial No. 12624." Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Specific gravity at 15.6° C., 0.93838; alcohol, per cent by volume, 47.60; methyl alcohol, per cent by volume, none; solids, per cent by weight, 0.70; oil, per cent by volume, by polarization, 0.1; by precipitation, trace; citral, per cent by weight, by Hiltner, 0.11; total aldehydes, per cent by weight, by Chace, 0.15; color, tartrazin. Adulteration of the product was charged in the indictment for the reason that a dilute lemon flavor, artificially colored, had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a dilute lemon flavor, artificially colored, had been substituted in part for the product. Misbranding of the product was charged for the reason that the statement "Lemon Flavor," so printed on the pasteboard carton and package regarding the product, was false and misleading in that said product was not lemon flavor, made from pure oil of lemon, but in truth and in fact was a dilute lemon flavor, artificially colored, and was further misbranded in that the statement "Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 12624" conveyed the impression that the product was guaranteed by the United States, when in truth and in fact said product was not guaranteed by the United States. Misbranding was alleged for the further reason that the product was not a genuine lemon flavor, but was a dilute lemon flavor, artificially colored, and was further misbranded in that the statement "Compound made from pure oil of lemon, orange color, etc." was printed in small and inconspicuous type, not being sufficient to correct the false and misleading impression conveyed by the words "Lemon Flavor," printed in large type on said label.

(3) On June 5, 1912, of a quantity of vanilla flavor which was misbranded. This product was labeled: (On carton) "Dr. Lynas' Vanilla Flavor. xxx Use sparingly till flavored to taste. 'Quality talks' 33 $\frac{1}{3}$ % cheaper. M'f'd by Dr. J. B. Lynas & Son, Logansport, Ind." (On side of carton) "J. B. L. Vanilla is made with the same care as a high class perfume. The finest Mexican and Bourbon Beans are used, and aged in wood containers. Crystal Tonka also Tincture of Vanillin the active principle of the Vanilla Bean are used

as a binder to prevent cooking and freezing out. A small amount of color and sweetener is added. This combination, together with the method of compounding makes the finest vanilla obtainable for all purposes. xxx." (Bottle label) "Dr. Lyans' Vanilla Flavor Compound Made from Pure Vanilla Beans, Vanillin, Coumarin, Color, etc. xxx." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Vanillin, per cent by weight, 0.22; coumarin, per cent by weight, absent; resins, small amount; normal lead number, 0.40; color value of extract—red 52.5, yellow 173.2; color value of lead filtrate—red 4.0, yellow 23.6; per cent of original color in lead filtrate—red 7.6, yellow 13.6; per cent color insoluble in amyl alcohol, 71; caramel (Woodman-Newhall), positive; alcohol, per cent by volume, 28.80; methyl alcohol, absent; saccharin, absent; dulcin, absent. Misbranding of the product was charged in the indictment for the reason that the statement "Vanilla Flavor" was false and misleading in that the product was not a genuine vanilla flavor, but was a vanilla flavor, artificially colored; and said product was further misbranded in that the statement "Compound made from Pure Vanilla Beans, Vanillin, Coumarin, Color, etc." was printed in small inconspicuous type, not being sufficient to correct the false and misleading impression conveyed by the words "Vanilla Flavor," printed in large type on the label.

On February 25, 1913, the defendant company entered a plea of guilty to the indictment and the court imposed a fine of \$200 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 20, 1913.*