

2794. Adulteration of vanilla extract. U. S. v. One Barrel Vanilla. Decree of condemnation by default. Product ordered sold. (F. & D. No. 2498. S. No. 885.)

On March 7, 1911, the United States Attorney for the District of New Jersey, 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 one barrel of vanilla extract remaining unsold in the original unbroken package and in the possession of Tombros & Skokos, Trenton, N. J., alleging that the product had been shipped on January 25, 1911, by the Star Extract Works, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product bore no label except the following shipping directions: "P. R. R. Tombros and Skokos, 14 N. Broad St., Trenton, N. J."

Adulteration of the product was alleged in the libel for the reason that it was invoiced as "25 gals. Pure vanilla" which said invoice was intended to indicate that the product was vanilla extract manufactured and extracted from the vanilla bean, when, in truth and in fact, the alleged vanilla extract was not pure vanilla but was compounded in whole or in part from, and made up of, certain ingredients, to wit, coumarin, vanillin, and caramel.

On April 18, 1911, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*

2795. Misbranding of buckwheat flour. U. S. v. Blair Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 2520. I. S. No. 11511-c.)

On September 28, 1911, the United States Attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blair Milling Co., a corporation, Atchison, Kans., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 14, 1910, from the State of Kansas into the State of Oklahoma, of a quantity of buckwheat flour which was misbranded. The product was labeled: "The Blair Milling Co. Atchison, Kans. Pure Pennsylvania Style Fresh Ground Buckwheat Flour Bemis Kansas City 9 Lbs. Pure Buckwheat."

Examination of samples of the product by the Bureau of Chemistry of this Department showed the following results: Weight of small sacks: Maximum, of ten sacks, 8 pounds, $13\frac{1}{2}$ ounces; minimum, of ten sacks, 8 pounds, $9\frac{1}{2}$ ounces; average, of ten sacks, 8 pounds, $12\frac{5}{8}$ ounces; Bamihl-Winton test, positive; microscopic examination shows wheat starch.

Misbranding of the product was alleged in the information for the reason that the amount of flour in each of the packages was stated in terms of weight thereon, but was not correctly stated on the outside of said packages, the labels thereon being such as to mislead and deceive the purchaser into the belief that each of the packages contained 9 pounds of the product when in truth and in fact said packages and each of them contained lesser amounts.

On January 31, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 10, 1914.*

2796. Adulteration of acid calcium phosphate. U. S. v. Provident Chemical Works. Plea of guilty. Sentence suspended. (F. & D. No. 2544. I. S. No. 2654-c.)

On June 26, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Provident Chemical Works, a corporation, New York, N. Y., alleging shipment by said company, in vio-