

I have got this case so that the jury understands it. Put yourselves in the place of a man buying a bottle of flavoring fluid,—that is what this is intended for,—to flavor food. Ask yourself, if a man comes to sell me that preparation—I look at it and read the label, I examine the color; would I be deceived into believing that I was buying vanilla extract instead of something else? That is the whole question.

Now, gentlemen of the jury, you have heard all the testimony and you will decide the case upon the testimony that has been offered here in court. There has been a whole lot of it; some of it I have not quite understood, I do not know whether you have or not, most of it I have. But, gentlemen, all these witnesses have been very frank, especially these scientific gentlemen; they have acted like men who are standing upon scientific principles. They have been frank and open, they have been clear, and if any part of their testimony I have not understood, it is not due to them, it is due to my own stupidity, or to my own lack of scientific training perhaps. But from all of this testimony you have got to decide this question. Was this defendant branding an article so that it would make people think, who were buying one thing, that they were buying another? Did the coloring matter in this fluid so change its character from what it would otherwise have been, as to make people believe that they were buying vanilla extract when they were buying something else? That is the whole question for you to decide.

After due deliberation the jury returned into the court with a verdict of guilty, and the court thereupon imposed a fine of \$75.

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

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

2854. Adulteration and misbranding of mace. U. S. v. Halligan Coffee Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 3954. I. S. No. 17401-d.)

On October 12, 1912, the United States Attorney for the Southern District of Iowa, 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 Halligan Coffee Co., a corporation, Davenport, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 26, 1911, from the State of Iowa into the State of Illinois, of a quantity of mace which was adulterated and misbranded. The product was labeled: "Reliable Pure Mace packed for The Reliable Tea Co., Moline, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results:

Nonvolatile ether extract (per cent).....	49.30
Total ash (per cent).....	2.15
Ash insoluble in hydrochloric acid (per cent).....	0.23
Hefelmann's test for Bombay mace.....	Positive.
Waage's test for Bombay mace.....	Positive.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, Bombay mace, had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, and in that a substance, to wit, Bombay mace, had been substituted in part for the article, mace. Misbranding was alleged for the reason that the statement, "Pure Mace," borne on the label was false and misleading because it deceived the purchaser into the belief that the product was composed entirely of true mace, whereas, in truth and in fact, it consisted in part of Bombay mace, which is not a true mace; and further, in that the product was so labeled and branded as to deceive and mislead the purchaser, being labeled and branded "Pure Mace," whereas, in truth and in fact, it was not pure mace but consisted in part of Bombay mace, which is not a pure mace as that term is understood by the trade and public.

On April 25, 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.*