

2907. Adulteration and misbranding of tonka and vanilla extract. U. S. v. Russell W. Snyder.
Plea of guilty. Fine, \$50. (F. & D. No. 4490. I. S. No. 19324-d.)

On January 4, 1913, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Russell W. Snyder, Battle Creek, Mich., alleging shipment by said defendant, on April 5, 1912, from the State of Michigan into the State of Iowa, of a quantity of tonka and vanilla extract which was adulterated and misbranded. The product was labeled: "Superior Extracts. Snyder's Superior Extracts. (Portrait) For Flavoring Ice Cream, Jellies, Pastry, Custards, &c. Tonka and Vanilla. R. W. Snyder, Battle Creek, Mich. Guaranteed under the Food and Drug Act June 30th, '06. Serial No. 3554."

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

Specific gravity at 20° C.....	1.014
Solids (grams per 100 cc).....	18.3
Alcohol (per cent by volume).....	40.0
Vanillin (grams per 100 cc).....	0.86
Coumarin (grams per 100 cc).....	0.07
Lead number.....	0.44
Color removed with amyl alcohol (per cent).....	91.00
Color value, original extract (Yellow 52).....	140
Color value after precipitation with lead.....	8.6

Adulteration of the product was alleged in the information for the reason that a substance had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and, further, that a substance had been substituted wholly and in part for the product, to wit, artificial vanillin. Misbranding was alleged for the reason that the statement borne on the label, to wit, "Superior Extracts. Tonka and Vanilla," was false and misleading, such statement being such as to mislead and deceive the purchaser into the belief and to create the impression in the minds of purchasers that the product was really superior extracts, tonka, and vanilla, whereas, in truth and in fact, said product, so labeled and branded, was an extract of tonka and vanilla containing, to wit, artificial vanillin. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, it being labeled, "Superior Extracts, Tonka and Vanilla," when, as a matter of fact, an analysis of the product showed that it was an extract of tonka and vanilla, containing, to wit, artificial vanillin.

On January 7, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$50.

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

WASHINGTON, D. C., *March 30, 1914.*

2908. Misbranding of coffee. U. S. v. 300 Pounds of Coffee. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 4502. S. No. 1501.)

On September 12, 1912, the United States attorney for the Northern 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 a libel for the seizure and condemnation of 16 pails containing 300 pounds of coffee remaining unsold in the original unbroken packages and in possession of J. Levi & Co., Schenectady, N. Y., alleging that the product had been shipped on or about October 13, 1911, and January 12, 1912, by W. F. Johnson & Co., Boston, Mass., and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The eight pails shipped October 13, 1911, were labeled, "Boston Roast Arabian Moca finest quality. Imported, roasted and packed expressly for J. Levi & Co., wholesale grocers, Schenectady, N. Y." The eight pails shipped January 12, 1912,

were labeled, "Boston Roast Old Government Java finest quality. Imported, roasted and packed expressly for J. Levi & Co., wholesale grocers, Schenectady, N. Y."

Misbranding of the product was alleged in the libel for the reason that the labels and the representations and statements contained thereon were false and misleading, and intended and calculated by the said W. F. Johnson & Co. and the said J. Levi & Co., as they well knew, to deceive, in that said so-called "Boston Roast Arabian Moca finest quality. Imported," was not Arabian Moca coffee, but consisted almost entirely of Santos coffee, and was without any appreciable quantity of Moca contained therein, and the so-called "Boston Roast Old Government Java finest quality imported," was not "Java" coffee, nor was it coffee formerly known by the trade as "Old Government Java," neither was it of the finest quality imported, in that it was a very poor grade of "Bogota."

On December 10, 1912, the said J. Levi & Co., claimant, having stipulated that the allegations in the libel were true, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, but not adulterated, poisonous, or deleterious to health. It was ordered by the court that the product should be re-delivered to said claimant upon payment of the costs of the proceedings, amounting to \$20.57, and the execution of bond in the sum of \$100 in conformity with section 10 of the act.

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

WASHINGTON, D. C., *February 18, 1914.*

2909. Misbranding of pears. U. S. v. 100 Cases of Canned Pears. Product released on bond.
(F. & D. No. 4510. S. No. 1504.)

On September 14, 1912, 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 a libel for the seizure and condemnation of 100 cases, each containing 24 cans of so-called pears remaining unsold in the original unbroken packages and in possession of Jett & Wood, Wichita, Kans., alleging that the product had been shipped on or about July 5, 1912, by J. Langrall & Bro., Baltimore, Md., and transported from the State of Maryland into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. No. 3 Maryland Chief Brand Choice Pears. Packed by J. Langrall & Bro., Inc., Baltimore, Md." (Stencil on side) "Western, Wichita, Kansas." (On cans) "Maryland Chief Choice Pears First Quality Packed by J. Langrall & Bro. Incorporated, Baltimore, Md. In Heavy Syrup" (design of Indian head and a pear).

Misbranding of the product was alleged in the libel for the reason that the label on each of the cases was false and misleading and calculated to mislead and deceive the purchaser into the belief that each of the cases contained choice pears, when, in truth and in fact, they contained pears of an inferior quality and not choice pears, as stated in the label on each of the cases. Misbranding was alleged for the further reason that the label on the outside of each can was such as to mislead and deceive the purchaser into the belief that each of the cans contained choice pears of the first quality, when, in truth and in fact, each of said cans contained inferior pears wholly or in part in small pieces with patches of skin and knots remaining, a portion of which said pieces were either over or under ripe; and, further, in that the label upon the outside of each can was such as to mislead and deceive the purchaser into the belief that each can contained choice pears that were packed or preserved in heavy sirup, when, in truth and in fact, the so-called pears were not packed in heavy sirup, but in sirup that showed only a total solid content of 4.86 per cent; and, further, said pears were packed or preserved in a liquor that was too sour, so as to be unfit for eating without added sugar, and each of the cans contained 48 per cent of liquor, which was more than was necessary for thorough preservation and sterilization.