

Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Peppermint," which form of labeling and branding would mislead and deceive the purchaser into the belief that the product was genuine peppermint extract, whereas, in truth and in fact, it was not genuine peppermint extract, but was an imitation peppermint extract manufactured from dilute alcohol, a small amount of peppermint oil, and artificial coloring matter. Furthermore, the statement "Compounded with Grain Distillate," borne on the label of the package in which the product was sold, did not correct the false impression conveyed by the word "Peppermint" borne on said label.

On March 14, 1913, the defendant company entered a plea of guilty to the second count of the information, charging misbranding, and the court imposed a fine of \$25 and costs. The first count of the information, charging adulteration of the product, was nolle prossed. It will be noted that while it was alleged that the product contained 0.80 per cent of peppermint oil, the analysis showed it to contain 0.85 per cent of peppermint oil.

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

WASHINGTON, D. C., May 6, 1914.

3018. Adulteration and misbranding of vinegar. U. S. v. Barrett & Barrett. Plea of guilty. Fine, \$5. (F. & D. No. 4947. I. S. No. 7308-d.)

On June 5, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Barrett & Barrett, a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on November 16, 1911, from the State of Minnesota into the State of South Dakota, of a quantity of vinegar which was adulterated and misbranded. The product was labeled: "Made for Barrett & Barrett, Pure Apple Vinegar, 45 grains, St. Paul, Minn."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 cc, except where otherwise stated:

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| Specific gravity, 15.6°/15.6° C..... | 1.0137 |
| Alcohol (per cent by volume)..... | 0.29 |
| Glycerol..... | 0.12 |
| Solids..... | 1.95 |
| Nonsugar solids..... | 1.18 |
| Sucrose by copper..... | 0 |
| Reducing sugar direct as invert..... | 0.88 |
| Sugar in solids (per cent)..... | 39.5 |
| Polarization, direct, 20° C. (°V.)..... | -1.2 |
| Ash..... | 0.35 |
| Alkalinity of soluble ash (cc N/10 acid 100 cc)..... | 37.0 |
| Soluble phosphoric acid (mg per 100 cc)..... | 18.5 |
| Insoluble phosphoric acid (mg per 100 cc)..... | 10.5 |
| Acid, as acetic..... | 4.56 |
| Volatile acid, as acetic..... | 4.55 |
| Fixed acid, as malic..... | 0.01 |
| Lead precipitate: Light. | |
| Color (degrees, brewer's scale, 0.5-inch)..... | 6.0 |
| Reducing sugar after inversion as invert..... | 0.77 |
| Reducing sugars direct after evaporation as invert..... | 0.76 |
| Color removed by fuller's earth (per cent)..... | 40 |
| Ratio to ash of nonsugars..... | 1:3.37 |

Adulteration of the product was alleged in the information for the reason that it purported to be and was represented to be pure apple vinegar, whereas, in truth and in fact, it was not pure apple vinegar, but was a product in which another substance, to wit, a dilute solution of acetic acid and a product high in reducing sugars and mineral matter, mixed and prepared in imitation of genuine apple vinegar, had been mixed and packed with it so as to reduce, lower and injuriously affect its quality and strength, and further, for the reason that a substance, to wit, a dilute solution of acetic acid and a product high in reducing sugars and mineral matter, mixed and prepared in imitation of apple vinegar, had been substituted in part for the article, to wit, apple vinegar. Misbranding was alleged for the reason that the product so labeled and branded, as aforesaid, purported to be and was represented to be "Pure Apple Vinegar," whereas, in truth and in fact, it was composed of a dilute solution of acetic acid and a product high in reducing sugars and mineral matter which had been mixed and prepared in imitation of genuine apple vinegar and offered for sale and sold under the distinctive name of apple vinegar. Misbranding was alleged for the further reason that the product was so labeled and branded as to deceive and mislead the purchaser into the belief that it was made from the juice of apples, whereas, in truth and in fact, it was a product composed of a dilute solution of acetic acid, foreign ash material, and a product high in reducing sugars, which had been mixed and prepared in imitation of genuine apple vinegar.

On June 5, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$5.

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

WASHINGTON, D. C., May 6, 1914.

3019. Adulteration and misbranding of wine coca leaves; acetanilid and sodium bromide compound tablets; "Anti-vomit Tablets;" aspirin tablets. Misbranding of bismuth and calomel compound tablets. Adulteration and misbranding of cold tablets; quinine laxative tablets; salol tablets; sodium salicylate tablets. U. S. v. William A. Webster Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4948. I. S. Nos. 14861-d, 14862-d, 14865-d, 14866-d, 14870-d, 14873-d, 14875-d, 14878-d, 14879-d.)

On September 3, 1911, the United States attorney for the Western District of Tennessee, 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 William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi:

(1) Of a quantity of a product purporting to be wine coca leaves, which was adulterated and misbranded. The product was labeled: "Wine Coca Leaves. Dose—1 to 4 teaspoonful. Alcohol 25%" (written in ink). "Guaranteed under Pure Food and Drugs Act of June 30, 1906. Serial No. 24830, by the Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn." (printed). Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

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| Alcohol (per cent)..... | 32.2 |
| Cocain: Present. | |
| Glycerin: Present. | |
| Nonvolatile matter at 100° C. (per cent) about..... | 22.3 |

Adulteration of the product was alleged in the information for the reason that it was a hydroalcoholic preparation, containing cocain and glycerin and 32.2 per cent of alcohol by volume. Misbranding was alleged for the reason that the statement "Alcohol 25%," borne on the label, was false and misleading, because it conveyed the impression that the product contained 25 per cent of alcohol, whereas, in truth and in fact, it contained a much greater amount of alcohol, to wit, 32.2 per cent; and was fur-