

3928. Adulteration and misbranding of peppermint and ginger extracts, so-called. U. S. v. Victor Gautier & Co., Inc. Pleas of guilty. Fine, \$50. (F. & D. No. 5384. I. S. Nos. 2676-e, 2677-e.)

On December 17, 1914, 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 two informations against Victor Gautier & Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 4, 1912, from the State of New York into the State of Pennsylvania, of quantities of so-called peppermint extract and ginger extract, which were adulterated and misbranded. The peppermint extract was labeled: (Neck label) "Peppermint". (Main label) "Superfine Peppermint Drops Compound Contains Harmless Color These goods are carefully compounded and prepared under the most modern and improved methods and are guaranteed by Victor Gautier & Co. Inc. New York under the Pure Food and Drugs Act, June 30th, 1906. Serial No. 8115."

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

Peppermint oil: Trace.	
Ethyl alcohol (per cent).....	30. 24
Methyl alcohol: None.	
Capsicum: Present.	
Color: Naphthol Yellow S.	

Adulteration of this product was alleged in one of the informations for the reason that a substance, to wit, an artificially colored dilute alcoholic solution containing capsicum and a trace of peppermint oil, had been substituted wholly or in part for the genuine extract of peppermint which the article purported to be. Misbranding was alleged for the reason that the statements "Peppermint" and "Superfine Peppermint" regarding the article and the substances and ingredients therein contained, were false and misleading, in that they indicated that said article was a genuine extract of peppermint, whereas, in truth and in fact, said article was not a genuine extract of peppermint, but was an artificially colored alcoholic solution containing capsicum and a trace of peppermint oil. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser,] being labeled "Peppermint" and "Superfine Peppermint," thereby indicating that said article was a genuine extract of peppermint, whereas, in truth and in fact, said article was not a genuine extract of peppermint, but was an artificially colored dilute alcoholic solution containing capsicum and a trace of peppermint oil.

The so-called ginger extract was labeled: (Neck label) "Ginger". (Main label) "Superfine Jamaica type Ginger Drops Compound These goods are carefully compounded and prepared under the most modern and improved methods and are guaranteed by Victor Gautier & Co. Inc. New York under the Pure Food and Drugs Act, June 30th, 1906. Serial No. 8115."

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

Alcohol (per cent by volume).....	31. 34
Methyl alcohol: None.	
Ginger: Present.	
Capsicum: Present.	
Total solids (per cent).....	0. 30
Alcohol-soluble solids (per cent).....	0. 15
Water-soluble solids (per cent).....	0. 28
Total solids soluble in alcohol (per cent).....	51. 72
Total solids soluble in water (per cent).....	95. 35
Color: Natural.	

Adulteration of this product was alleged in the other information for the reason that a substance, to wit, a[n artificially colored] dilute alcoholic solution containing capsicum and a trace of ginger, had been substituted wholly or in part for the genuine extract of ginger which the article purported to be. Misbranding was alleged for the reason that the statements "Ginger" and "Superfine Jamaica Ginger" regarding the article and the substances and ingredients therein contained were false and misleading, in that they indicated that said article was a genuine extract of ginger, whereas, in truth and in fact, said article was not a genuine extract of ginger, but was an [artificially colored] alcoholic solution containing capsicum and a trace of ginger. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled "Ginger" and "Superfine Jamaica Ginger," thereby indicating that said article was a genuine extract of ginger, whereas, in truth and in fact, it was not a genuine extract of ginger, but was a[n artificially colored] dilute alcoholic solution containing capsicum and a trace of ginger.

On January 4, 1915, the defendant company entered pleas of guilty to the two informations, and on January 5, 1915, the court imposed a fine of \$25 on each information, making an aggregate fine of \$50.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*