

4326. Adulteration and misbranding of vanilla extract and misbranding of orange extract, artificial pineapple flavoring, lemon extract, and artificial strawberry flavoring. U. S. v. Durand & Kasper Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4389. I. S. Nos. 15359-d, 15360-d, 15361-d, 15362-d, 15363-d.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, 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 Durand & Kasper Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on January 6, 1912, from the State of Illinois into the State of Massachusetts, of a quantity of vanilla extract which was adulterated and misbranded, and quantities of orange extract, artificial pineapple flavoring, lemon extract, and artificial strawberry flavoring which were misbranded.

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

Specific gravity 15.6° C./15.6° C-----	1.0088
Alcohol (per cent by volume)-----	42.44
Methyl alcohol-----	None.
Average capacity of 8 bottles (fluid ounces)-----	1.76
Vanillin (per cent)-----	0.07
Lead number-----	0.22

Adulteration of this article was alleged in the information for the reason that another substance, to wit, a dilute extract of vanilla, had been mixed and packed with the pure vanilla extract in such manner as to reduce and lower and injuriously affect the quality and strength of the pure vanilla extract aforesaid, which the said article of food aforesaid purported to be; and for the further reason that another substance, to wit, a dilute extract of vanilla, had been substituted wholly for pure vanilla extract; and for the further reason that another substance, to wit, a dilute extract of vanilla, had been substituted in part for pure vanilla extract.

Misbranding was alleged for the reason that each of the bottles and cartons and the box containing the article of food bore a label in words and figures, respectively, as follows, to wit: (Blown in bottle) "2 Oz. Full Measure." (Carton) "Durkasco Brand Flavoring Extracts Vanilla Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces Vanilla." (Stenciled on box) "1 Doz. 2 Oz. Full Measure," which said statement appearing on the label borne on the bottles, cartons, and box aforesaid was false and misleading in that the statement "Flavoring Extracts Vanilla" represented to the purchaser that the article of food aforesaid was full-strength vanilla extract, whereas, in truth and in fact, it was not a true and full-strength extract of vanilla, but was a dilute vanilla extract. Misbranding was alleged for the further reason that said statement misled and deceived the purchaser into the belief that the article of food aforesaid was a full-strength vanilla extract, whereas, in truth and in fact, it was not a true and full-strength extract of vanilla, but was a dilute vanilla extract. Misbranding was alleged for the further reason that said statement was false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained 2 [fluid] ounces of the article of food aforesaid, whereas, in truth and in fact, each of the bottles contained less than 2 ounces in volume of the article of food aforesaid. Misbranding was alleged for the further reason that said statement misled and deceived the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles contained 2 [fluid] ounces of the

article of food aforesaid, whereas, in truth and in fact, each of the bottles contained less than 2 ounces in volume of the article of food aforesaid.

Examination of 11 bottles of the orange extract by the Bureau of Chemistry of this department showed an average volume of 55.8 cc, which amounted to a shortage of 7 per cent. Examination of 9 samples of the artificial pineapple flavoring by said bureau showed an average net volume of 52.7 cc, which amounted to a shortage of 10.8 per cent. Examination of 12 bottles of the lemon extract by said bureau showed an average net volume of 53.8 cc, which amounted to a shortage of 9.1 per cent. Examination of 9 bottles of the artificial strawberry flavoring by said bureau showed an average net volume of 55.2 cc, which amounted to a shortage of 6.7 per cent.

Misbranding of each of these articles was alleged in the information for the reason that each of the bottles, cartons, and boxes containing the articles of food bore labels in words and figures, respectively, as follows, to wit (Orange Extract): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Flavoring Extracts Orange Manufactured by Durand & Kasper Co. Chicago" (On flaps) "2 Ounces Orange" (Stenciled on box) "1 Doz. 2 Oz. Full Measure"; (Artificial Pineapple Flavoring): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Artificial Flavorings Artificial Pineapple Manufactured by Durand & Kasper Co. Chicago." (Stenciled on box) "1 Doz. 2 Oz. Full Measure"; (Extract of Lemon): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Flavoring Extracts Lemon Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces Lemon" (Stenciled on box) "2 Oz. Full Measure"; (Artificial Strawberry Flavoring): (Blown in bottle) "2 Oz. Full Measure" (Carton) "Durkasco Brand Artificial Flavorings Artificial Strawberry. Manufactured by Durand & Kasper Co. Chicago." (On flaps) "2 Ounces" (On box) "1 Doz. 2 Oz. Full Measure," which said statements appearing on the labels borne on the bottles, cartons, and boxes aforesaid were false and misleading in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained 2 [fluid] ounces of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be), whereas, in truth and in fact, each of the bottles aforesaid contained less than 2 ounces in volume of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be). Misbranding was alleged for the further reason that said statement misled and deceived the purchaser in that the statement "2 Oz. Full Measure" represented to the purchaser that each of the bottles aforesaid contained 2 [fluid] ounces of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be), whereas, in truth and in fact, each of the bottles aforesaid contained less than 2 ounces in volume of the article of food aforesaid (orange extract, artificial pineapple flavoring, lemon extract, or artificial strawberry flavoring, as the case might be).

On October 9, 1915, the defendant company withdrew its plea of not guilty theretofore entered and entered a plea of guilty to the information, and on October 23, 1915, the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*