

4377. Adulteration and misbranding of so-called lemon flavor and bakers vanilla flavor. U. S. * * * v. The Myers & Hicks Co., a corporation. Plea of guilty. Fine, \$15. (F. & D. No. 6048. I. S. Nos. 7634-h, 7635-h.)

On October 21, 1915, the United States attorney for the District of Maryland, 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 Myers & Hicks Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 13 and October 1, 1913, respectively, from the State of Maryland into the State of Georgia, of quantities of lemon flavor and bakers vanilla flavor, which were adulterated and misbranded. The lemon flavor was labeled: (On one-gallon stone jug) "Lemon Flavor Guaranteed under the Food and Drugs Act June 30, 1906. Serial No. 9797 The Myers & Hicks Co. Trade Mark M & H Manufacturers of Sterling Brands Egg-Erlone, Icing and Marshmallow Powders, Almond Paste, Colors, Fruit Oils, Extracts Crushed and Fruit Juices. Importers & Dealers in Bakers & Confectioners Supplies Baltimore, Md."

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

Specific gravity, at 15.6°C-----	0.9226
Alcohol (per cent by volume)-----	55.1
Methyl alcohol: Absent.	
Solids (gram per 100 cc)-----	0.06
Oil, by polarization (per cent by volume)-----	0.5
Oil, by precipitation (per cent by volume)-----	0.5
Citral (Hiltner) (per cent by weight)-----	0.23
Total aldehydes (Chace) (per cent by weight)-----	0.26
Color: Naphthol yellow S	

The product is a terpeneless lemon extract artificially colored with a coal tar dye.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a terpeneless lemon extract, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength, and had been substituted in part for genuine lemon flavor, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Lemon Flavor," borne on the label, was false and misleading in that it represented and purported the article to be a genuine full-strength lemon flavor, and deceived and misled the purchaser into the belief that the article was a genuine full-strength lemon flavor, whereas, in truth and in fact, it was not, but was a terpeneless lemon flavor.

The vanilla flavor was labeled: (On retail package) "Bakers Vanilla Flavor (Substitute) Sugar Coloring Guaranteed under the Pure Food and Drugs Act June 30th, 1906, Serial No. 9797 The Myers & Hicks Co. Trade Mark M & H Manufacturers of Sterling Brands Egg-Erlene Icing and Marshmallow Powders, Almond Paste, Colors, Fruit Oils, Extracts Crushed and Fruit Juices. Importers & Dealers in Bakers & Confectioners Supplies, Baltimore, Md."

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

Vanillin (gram per 100 cc)-----	0.63
Coumarin (gram per 100 cc)-----	0.13
Leach test for coumarin: Positive.	
Alcoholic potash test: Positive.	

Resins: None.

Lead number----- 0.04

Color value of extract:

Red ----- 41.3

Yellow ----- 147.0

Color value of lead filtrate:

Red ----- 4.0

Yellow ----- 19.4

Original color in lead filtrate:

Red (per cent) ----- 9.7

Yellow (per cent) ----- 13.2

Color (per cent insoluble in amyl alcohol) ----- 68

Caramel test (Woodman-Newhall): Positive.

Alcohol (per cent by volume) ----- 11.2

Methyl alcohol: Absent.

Product contains little or no vanilla extract but is largely an alcoholic solution of vanillin and coumarin colored with caramel.

Adulteration of the article was alleged in the information for the reason that a solution of vanillin and coumarin had been substituted, in whole or in part, for genuine full-strength vanilla flavor, which the article purported to be; and further in that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement borne on the label, to wit, "Vanilla Flavor (Substitute)," the word "(Substitute)" in such small type as to be inconspicuous, was false and misleading, in that it represented, and deceived and misled the purchaser into the belief, that the article was genuine full-strength vanilla flavor, whereas, in truth and in fact, it was not, but was an article inferior to a genuine full-strength vanilla flavor, to wit, an artificially colored solution of vanillin and coumarin.

On October 21, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15.

C. F. MARVIN, *Acting Secretary of Agriculture.*