

4662. Adulteration and misbranding of cake flavor. U. S. * * * v. M. Getz & Co., a corporation. Plea of guilty. Fine, \$200. (F. & D. No. 7056. I. S. No. 23217-h.)

On February 25, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. Getz & Co., a corporation, San Francisco, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 30, 1914, from the State of California into the State of Washington, of a quantity of cake flavor which was adulterated and misbranded. The article was labeled: "The contents of this can Guaranteed Only The Purest of Spices Ground from the Finest Raw Material Obtainable Full Weight Cake Flavor. To be used instead of Mace Ground and Packed by M. Getz & Co. Inc. San Francisco, Cal."

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

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| Moisture (per cent)----- | 9.54 |
| Total ether extract (per cent)----- | 9.70 |
| Volatile ether extract (per cent)----- | 0.60 |
| Nonvolatile ether extract (per cent)----- | 9.10 |
| Starch (acid hydrolysis) (per cent)----- | 62.05 |
| Protein (N×6.25) (per cent)----- | 8.42 |
| Ash (per cent)----- | 0.82 |
| Color: Turmeric. | |

Tests for Bombay mace: Negative.

Microscopical examination.—Large amount of corn starch (considerable portion in aggregates), nutmeg tissue, and turmeric.

Adulteration of the article was alleged in the information for the reason that a cereal product containing starch had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a cereal product containing starch had been substituted in part for pure spices, which the article purported to be, and for the further reason that the article was an inferior product, consisting principally of a cereal product containing starch, and was colored with, to wit, turmeric, in a manner whereby its inferiority to pure spices was concealed.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "The Contents of this can Guaranteed Only The Purest of Spices * * * Ground from the Finest Raw Material Obtainable," was false and misleading in that it indicated to purchasers thereof that the article consisted wholly of the purest ground spices, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers thereof into the belief that it consisted wholly of the purest ground spices, when, in truth and in fact, it did not, but did consist of, to wit, principally a cereal product containing starch, artificially colored. Misbranding was alleged for the further reason that the article consisted principally of a cereal product containing starch, artificially colored, and was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, ground spices.

On March 10, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200.

CARL YROOMAN, Acting Secretary of Agriculture.