

March 26, A. D. 1909, a warrant of arrest was duly issued, under which the marshal of the United States for the District of Columbia has seized nine cases of the liquid preparation described in said libel and known as Baird-Daniels Co.'s Distilled Buchu Gin, which are inventoried as of the value of fifty-four dollars, as shown by the return of the marshal filed herein; and it appearing to the court that proper notice and citation has been duly made and served, and that the claimant, A. E. Beitzel, has duly appeared herein, but that no answer has been filed to the libel within the time provided, and no objection being signified to the court, it is this 11th day of August, A. D. 1909,

Adjudged, ordered and decreed that the said nine cases, and each and all of the bottles of said liquid preparation contained therein, seized by the marshal herein as aforesaid, and now in his custody, be, and they hereby are, declared to be misbranded in violation of the Food and Drugs Act approved June 30, 1906, in manner and form as more particularly set forth in the libel filed herein.

And the said A. E. Beitzel, claimant herein, having moved the court for the return and delivery to him of the articles seized herein, upon the payment of the costs of the proceedings herein, and the execution and delivery of a good and sufficient bond, as provided by section 10 of the said act of Congress, and no objection to the contrary being made, it is further adjudged that upon the said A. E. Beitzel's paying the costs of these proceedings and executing and delivering to said marshal a good and sufficient bond in the penal sum of five hundred dollars (\$500), conditioned that the said cases, bottles, and packages, so seized as aforesaid, and the contents thereof, shall not be further held, used, or circulated with the branding and statements in use at the time of the seizure, as set forth in said libel, and shall not otherwise violate the provisions of the Food and Drugs Act approved June 30, 1906, with respect to said articles, the said marshal shall deliver the aforesaid cases, bottles, and packages, and the contents thereof, to the said claimant, in lieu of the disposition thereof by sale or destruction, as required by said act, approved June 30, 1906, as aforesaid.

By the court.

ASHLEY M. GOULD, *Justice.*

We consent:

WOLF & ROSENBERG,
Attorneys for Claimant.

The said claimant, Beitzel, having complied with the terms of the aforesaid decree and section 10 of the Food and Drugs Act of June 30, 1906, the said 9 cases of buchu gin were redelivered to him.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*

(N. J. 135.)

MISBRANDING OF VANILLA EXTRACT.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 24th day of April, 1909, in the district court of the United States for the district of Maryland, in a prosecution by the United States against McCormick & Co., of Baltimore, Md., a body corporate, for violation of section 2 of the aforesaid act, in shipping and delivering

for shipment from Maryland to Virginia a misbranded vanilla extract, said McCormick & Co. entered a plea of guilty and the court imposed upon it a fine of \$20.

The facts in the case were as follows:

On April 15, 1908, an inspector of the Department of Agriculture purchased from A. Brinkley & Co., Norfolk, Va., a sample (I. S. No. 1793-a) of an article of food labeled "Silver Medal Concentrated Flavoring Vanilla Compound. Vanilla Bean, .33%; Vanillin, .45%; Coumarin, .12%; Alcohol, 30.%; Syrup, 70.%; Color, Q. S. Silver Medal Extract Co. Guaranteed under Food and Drugs Act, June 30, 1906. Guaranty No. 1417." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Alcohol by volume (per cent)-----	13. 62
Methyl alcohol-----	None.
Vanillin (per cent)-----	. 16
Coumarin (per cent)-----	. 055
Total solids (per cent)-----	27. 44
Coloring matter-----	Caramel.
Precipitate with lead acetate.	

Vanilla extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared from the vanilla bean, and contains the soluble matters from not less than 10 grams of the vanilla bean to each 100 cc. The analysis of the aforesaid sample disclosed practically the total absence of extract of the vanilla bean. It was misbranded within the meaning of section 8 of the act in that it was labeled "Silver Medal Concentrated Flavoring Vanilla Compound" and bore a statement that it was made from the vanilla bean, which said statements were false, misleading, and deceptive, because it was not vanilla flavoring and did not contain extract of the vanilla bean.

It appearing from the aforesaid analysis that the article was misbranded, the Secretary of Agriculture gave notice to A. Brinkley & Co., the dealers from whom the sample was purchased, and also to McCormick & Co., the manufacturer and shipper, and gave them an opportunity to be heard. McCormick & Co. being the party solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was misbranded, on April 5, 1909, the said Secretary reported the facts and evidence (F. & D. No. 536) to the Attorney-General, by whom they were referred to the United States attorney for the district of Maryland, who filed an information against the said McCormick & Co., with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*