

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 151, FOOD AND DRUGS ACT.

ADULTERATION 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 11th day of May, 1909, in the District Court of the United States for the Western District of New York, in a prosecution by the United States against the Monroe Pharmacal Company, a corporation of Rochester, New York, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from New York to Massachusetts an adulterated vanilla extract, the said Monroe Pharmacal Company entered a plea of guilty and the court suspended sentence.

The facts in the case were as follows:

On September 6, 1907, an inspector of the Department of Agriculture purchased from Charles A. Gay, Greenfield, Massachusetts, a sample (I. S. No. 1147) of a food product labeled: "Monroe Brand Concentrated Extract of Vanilla for flavoring Ice Cream, Jellies, Pastry, etc., Manufactured by Monroe Pharmacal Co., Rochester, N. Y.", and on the back of the bottle was a sticker containing: "Extract vanilla beans (Mex.) .8155%; Syrup (sugar) .09137; Cologne spirit .0956." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

Resins.....	Absent.
Organic acids, gums and extractive matters.....	Small amount.
Vanillin (per cent).....	0.12
Coumarin.....	Absent.
Caramel.....	Present.
Natural color.....	Trace.

Vanilla extract, or flavor, as recognized by reliable manufacturers and dealers, is the flavoring extract prepared from vanilla bean, and contains in 100 cubic centimeters the soluble matters from not less than

10 grams of the vanilla bean. The analysis of the aforesaid sample disclosed practically the total absence of the soluble matters of the vanilla bean, hence the article was adulterated within the meaning of section 7 of the act in that an imitation extract, artificially colored in a manner whereby its inferiority was concealed, was substituted wholly for the vanilla extract which it purported to be.

It appearing from the aforesaid analysis that the article was adulterated, the Secretary of Agriculture gave notice to Charles A. Gay, the dealer from whom the sample was purchased, and also to the Monroe Pharmacal Company, the manufacturer and shipper and gave them an opportunity to be heard. The said company being the party solely responsible for the adulteration 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 adulterated, on December 30, 1908 the said Secretary reported the facts and evidence (F. & D. No. 298) to the Attorney General by whom they were referred to the United States Attorney for the Western District of New York who presented the facts to the grand jury by whom an indictment was duly returned against the said Monroe Pharmacal Company with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

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