

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 520, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEACH EXTRACT.

On or about January 13, 1910, E. R. Webster, doing business as E. R. Webster & Co., Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a box containing one dozen bottles of an alleged peach extract, said box being labeled: "One dozen. Two ounce. Our best extract of peach. Guaranteed strictly pure. Unexcelled for flavor and strength. Manufactured by E. R. Webster & Co., Cincinnati."

Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said E. R. Webster & Co. and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said E. R. Webster & Co., charging the above shipment, and alleging that the product was adulterated in that another substance, to wit, an imitation peach extract, had been substituted wholly for said article of food, to wit, peach extract, and in that said article of food was not peach extract, but an imitation thereof, and alleging the product to be misbranded, in that the label above set forth was false and misleading because the product was not an extract of peach,

but an imitation of same, and was offered for sale and sold under the distinctive name of peach extract, when in fact it was only an imitation thereof.

On July 8, 1910, the defendant entered a plea of guilty to the charges contained in the above information and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 29, 1910.*

