

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 856, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT ("EGYPTIAN DEODORIZER AND GERM KILLER") AND ADULTERATION AND MISBRANDING OF ORANGE EXTRACT.

On or about March 15, 1909, the Paul Manufacturing Company, a corporation, Boston, Mass., shipped from the State of Massachusetts into the District of Columbia a consignment of a drug product labeled: "Egyptian Deodorizer and Germ Killer. A Perfect Fumigator and Destroyer of Disease Germs. No more bad odors or danger from germs, destroying menace of drainage, and other sources of disease. Paul Manufacturing Company, Boston. Distributing agents;" and on May 20, 1909, said company shipped from the State of Massachusetts into the State of Rhode Island a quantity of a food product labeled: "Quality Brand Extra Concentrated Flavor of Orange. Packed for Importer Branch, Ltd." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the "Egyptian Deodorizer and Germ Killer" was found to consist of wood of some species of coniferous tree, apparently cedar, perfumed with essential oils, while an experiment showed that the burning of the pastil in a small closed room did not kill germs after four hours exposure. Samples of the Concentrated Flavor of Orange were also procured and analyzed by the said Bureau, and found to contain alcohol 69.6 per cent, solids 0.06 per cent, orange oil by precipitation 3.55 per cent, with the coal-tar dye known as Orange G, the refractive index of the oil being 1.4709. As the findings of the analysts and reports made showed the alleged "Deodorizer and Germ Killer" to be misbranded and the alleged Concentrated Flavor of Orange to be both adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the

said Paul Manufacturing Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipments were 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 case.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Paul Manufacturing Company, charging the above shipments and alleging in the first count of said information that the "concentrated flavor of orange" was misbranded in that the label contained a false and misleading statement regarding the substances contained therein, to wit, the statement, "Quality Brand Extract Concentrated Flavor of Orange," which was false and misleading because said food was not a concentrated flavor of orange but a dilute extract of orange; in the second count alleging the "flavor" to be adulterated in that a dilute extract of orange had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that the article had been artificially colored in a manner whereby damage and inferiority were concealed; and in a third count, alleging that the "Deodorizer and Germ Killer" was misbranded, in that the label upon the containers thereof bore the statements "A Perfect Fumigator and Destroyer of Disease Germs," "No Bad Odors or Danger from Germs, destroying menace of drainage," which said statements were false and misleading because in truth and in fact said drug was not a germ killer nor a perfect fumigator and destroyer of disease germs, and would not prevent all bad odors or danger from germs or destroy menace of drainage.

On January 30, 1911, the defendant appeared and pleaded nolo contendere to the above information, whereupon the court imposed a fine of \$50, being \$25 on the first two counts and \$25 on the third count.

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., *May 1, 1911.*