

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1057.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF EXTRACT OF ALMOND, IMITATION FLAVOR OF BANANA, EXTRACT OF ORANGE, GREEN CAKE COLOR, RED CAKE COLOR, YELLOW CAKE COLOR, IMITATION FLAVOR OF PEACH, IMITATION FLAVOR OF PINEAPPLE, IMITATION FLAVOR OF STRAWBERRY, IMITATION FLAVOR OF RASPBERRY, EXTRACT OF ROSE GERANIUM, AND EXTRACT OF JAMAICA GINGER.

On March 9, 1911, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the James H. Forbes Tea & Coffee Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about August 4, 1910, from the State of Missouri into the State of Wyoming of a consignment of food products which were misbranded in the particulars hereinafter stated.

For purposes of identification the labels on the bottles and cartons containing said products, given below, will be designated and hereafter referred to by numbers as follows: I. S. Nos. 2828-c, 2829-c, 2830-c, 2831-c, 2832-c, 2833-c, 7933-c, 7934-c, 7935-c, 7936-c, 7937-c, and 7938-c. The bottles and cartons containing said products were labeled as follows:

I. S. No. 2828-c.—(On bottle) “Moyune Brand Pure Extract of Almond. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co., Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Pure Extract of Almond. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 2829-c.—(On bottle) “Moyune Brand Imitation Flavor of Banana. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Imitation Flavor of Banana. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed

for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4538. Packed for Moyune Tea Co., Cheyenne, Wyo.”

I. S. No. 2830-c.—(On bottle) “Moyune Brand Pure Extract of Orange For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full measure Moyune Brand Pure Extract of Orange For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 2831-c.—(On bottle) “Moyune Brand Green Cake Color For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Green Cake Color For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 2832-c.—(On bottle) “Moyune Brand Red Cake Color For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Red Cake Color. For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 2833-c.—(On bottle) “Moyune Brand Yellow Cake Color For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Yellow Cake Color For coloring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 7933-c.—(On bottle) “Moyune Brand Imitation Flavor of Peach For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. Colored with pure vegetable color”; (on carton) “2 ounces Full Measure Moyune Brand Imitation Flavor of Peach For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co., Cheyenne, Wyo.”

I. S. No. 7934-c.—(On bottle) “Moyune Brand Imitation Flavor of Pineapple For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Imitation Flavor of Pineapple. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 7935-c.—(On bottle) “Moyune Brand Imitation Flavor of Strawberry For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. Colored with Pure Vegetable Color”; (on carton) “2 ounces Full Measure Moyune Brand Imitation Flavor of Strawberry For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 7936-c.—(On bottle) “Moyune Brand Imitation Flavor of Raspberry For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. Colored with Pure Vegetable Color”; (on carton) “2 ounces Full Measure Moyune Brand Imitation Flavor of Raspberry For Flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 7937-c.—(On bottle) “Moyune Brand Pure Extract of Rose Geranium For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. Colored with Pure Vegetable Color”; (on carton) “2 ounces Full Measure Moyune Brand Pure Extract of Rose Geranium. For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

I. S. No. 7938-c.—(On bottle) “Moyune Brand Pure Extract of Jamaica Ginger For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo.”; (on carton) “2 ounces Full Measure Moyune Brand Pure Extract of Jamaica Ginger For flavoring cakes, sauces, puddings, ice cream, pastry, etc. Packed for Moyune Tea Co. Cheyenne, Wyo. The contents of this package are guaranteed perfectly pure complying with all Pure Food Laws. Serial number 4537. Packed for Moyune Tea Co. Cheyenne, Wyo.”

Examinations of samples of said products by the Bureau of Chemistry, United States Department of Agriculture, showed them to be short in measure in the following proportions:

- I. S. No. 2828-c, average shortage, 13.5 per cent.
- I. S. No. 2829-c, average shortage, 15.5 per cent.
- I. S. No. 2830-c, average shortage, 12.0 per cent.
- I. S. No. 2831-c, average shortage, 18.0 per cent.
- I. S. No. 2832-c, average shortage, 17.0 per cent.
- I. S. No. 2833-c, average shortage, 22.0 per cent.
- I. S. No. 7933-c, average shortage, 9.5 per cent.
- I. S. No. 7934-c, average shortage, 13.0 per cent.
- I. S. No. 7935-c, average shortage, 6.5 per cent.
- I. S. No. 7936-c, average shortage, 11.0 per cent.
- I. S. No. 7937-c, average shortage, 10.5 per cent.
- I. S. No. 7938-c, average shortage, 13.0 per cent.

Analyses of said samples by said Bureau of Chemistry showed samples I. S. Nos. 7933-c, 7935-c, 7936-c, and 7937-c to be colored with coal-tar dyes.

The information filed against the aforesaid defendant corporation alleged, in twelve counts, the misbranding of each of the aforesaid products for the reason that the labels on the cartons in which each of said products was packed represented the bottles containing said products as being "2 ounces Full Measure" of said product; when, in fact, the bottles containing said product were in each case short and deficient in measure, as shown by the aforesaid examinations.

Misbranding was also alleged against the products I. S. Nos. 7933-c, 7935-c, 7936-c, and 7937-c in four other counts in said information for the reason that, in addition to being short measure, as aforesaid, the labels on the bottles containing said products, as designated above, represented them as being "colored with pure vegetable color," which representation was false and misleading because said products were not so colored, but on the contrary were colored with a mineral color, to wit, coal-tar dye, as shown by the aforesaid analyses.

On June 3, 1911, the defendant corporation pleaded guilty and was fined \$1 on each of the twelve counts charging deficiency in measure, and \$5 on each of the four counts charging coloring with coal-tar dye, or a total of \$32 in fines, together with the costs of the prosecution.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 11, 1911.*