

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1118.

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

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#### ALLEGED ADULTERATION AND MISBRANDING OF VANILLA EXTRACT; ADULTERATION OF PEPPER.

In February, 1911, the United States Attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Eddy & Eddy Manufacturing Co., a corporation, St. Louis, Mo., alleging shipments by it, in violation of the Food and Drugs Act, on August 7, 1909, from the State of Missouri into the State of Iowa, of a quantity of vanilla extract which was adulterated and misbranded, and on January 25, 1910, a quantity of pepper from the State of Missouri into the State of Oklahoma, which was misbranded. The vanilla extract was labeled: "Eddy's Gold Medal Extract of Vanilla. Eddy & Eddy Mfg. Co., St. Louis." The pepper was labeled: "½ lb. full. Eddy's Extra high grade pure ground pepper Eddy & Eddy, St. Louis, Mo. As we use the utmost care in selecting and grinding our high grade package spice, using none but choice plantation grown spice, they will be found far superior in quality to other brands of package spice or spice sold in bulk. Eddy & Eddy. The contents of this package we guarantee pure and contains full net weight of our high grade spice. Eddy & Eddy. Pepper."

Samples of the respective products were analyzed by the Bureau of Chemistry of this Department with the following results: Vanilla extract: alcohol, per cent by volume 46.39 per cent; methyl alcohol, per cent by volume, none; glycerol, 21.78 per cent; sucrose, none; vanillin, none; coumarin, none; resins, apparently normal; color, no artificial detected. Pepper: capacity of package, O. K.; crude fibre, 14.68 per cent; total ash, 8.31 per cent; water-soluble ash, 1.66 per

cent; ash insoluble in 10 per cent HCl, 2.59 per cent; microscopical examination, relatively large proportion of pepper shells and débris.

Adulteration of the vanilla extract was alleged in the first count of the information for the reason that said extract was not vanilla extract as the same is known to the trade and generally recognized and understood by the public, in that it did not contain extract of vanilla bean in any appreciable or beneficial quantity, but that other substances had been mixed and packed with said product so as to lower, reduce, or injuriously affect its quality and strength and had been substituted wholly or in part for said extract of vanilla. Misbranding of the said vanilla extract was alleged in the second count of the information for the reason that the words "Extract of Vanilla" appearing on the label were false and misleading and calculated to mislead and deceive the purchaser for the reason that said product did not contain or consist of the extract of the vanilla bean, without which ingredient said product was not entitled to be called and was not extract of vanilla, and for the further reason that said product was in imitation of and sold under the distinctive name of another article, to wit, vanilla extract.

Adulteration was charged against the pepper in the third count of the information for the reason that said product was not an extra high grade pure ground pepper, as represented on the label, but, on the contrary, there had been so mixed and packed with said product a large and excessive amount of shells, dirt, sand, and débris, as to reduce, lower, and injuriously affect its quality and strength.

The case coming on for trial on June 7, 1911, a jury was called and rendered a verdict of guilty on the third count for adulteration of the pepper, and failed to agree upon a verdict upon the first and second counts of the information for adulteration and misbranding of the vanilla extract. Whereupon, the court entered an order of mistrial and continuance as to the first and second counts, and imposed a fine of \$50 and costs against the defendant on the third count, whereupon the defendant filed a motion for a new trial and in arrest of judgment.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *September 15, 1911.*