

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1217.

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

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### ADULTERATION AND MISBRANDING OF STRAWBERRY EXTRACT, RASPBERRY EXTRACT, ORANGE EXTRACT, VANILLA AND TONKA EXTRACT, ALMOND EXTRACT, AND CINNAMON EXTRACT.

At a stated term of the Circuit Court of the United States for the Southern District of New York, begun and held in the city of New York, on the first Monday of July, 1911, the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed information in said circuit court against the California Perfume Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 22, 1909, from the city of New York into the State of Kentucky, of a quantity of extracts which were adulterated and misbranded. The labeling on the cartons was the same in each instance, except as to the stamping of the name of the extract, and was as follows: "CP, the Sign of Quality, 4 Ounces, Full Weight, California (Trade Marked Design) Flavoring Extract, Strawberry, Manufactured by California Perfume Company, New York, Price 45 Cents."

The bottles containing the concentrated extract of strawberry were labeled: "4 Ounces, Full Weight, Concentrated Extract of Strawberry, Imitation, For all Flavoring purposes. These goods are Guaranteed under the Pure Food & Drugs Act of June 30, 1906, Serial No. 3909, California Perfume Co., New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Average contents (2 bottles), 120.5 cc, or 1.9 per cent over 4 fluid ounces; solids (grams per 100 cc), 0.062; ash (grams per 100 cc), 0.017; alkalinity of ash (cc N/10 HCl per 100 cc), 1.5 cc; esters, as ethyl acetate (per 100 cc), 0.58 grams; alcohol by volume, 43.1 per cent; no methyl alcohol; no chloroform; color, impure amaranth. Adulteration was alleged against said product for the reason that an imitation strawberry extract, esters, impure amaranth, and other foreign substances had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article, and said substance had been colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that said product was an

imitation of and offered for sale under the distinctive name of another article, to wit, concentrated extract of strawberry, when in fact it was an imitation thereof, and contained esters, impure amaranth, and other substances foreign thereto. The statements on the label were therefore false and misleading, and calculated to deceive and mislead the purchaser.

The bottles containing the concentrated extract of raspberry were labeled as follows: "Four Ounces Full Weight, Concentrated Extract of Raspberry, for all Flavoring Purposes, (Design and Trade Mark), California Perfume Company, New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Contents (1 bottle), 129 cc, or 9.1 per cent over 4 fluid ounces; solids by weight, 0.30 per cent; ash by weight, 0.026 per cent; alkalinity of ash (cc N/10 HCl per 100 grams), 3.65 cc; esters as ethyl acetate (per 100 cc), 0.48 grams; alcohol by volume, 38.9 per cent; no methyl alcohol; no chloroform; color, impure amaranth. Adulteration was alleged against said product because an imitation raspberry extract, esters, impure amaranth, and other foreign substances had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article, and said substance was colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, concentrated extract of raspberry, when in fact it was an imitation thereof, and contained esters, impure amaranth, and other substances foreign thereto. The representations on the label were therefore false and misleading, and calculated to deceive and mislead the purchaser.

The bottles containing the concentrated extract of terpeneless orange were labeled as follows: "Four Ounces Full Weight, Concentrated Extract of Terpeneless Orange For All Flavoring Purposes. These goods are Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 3909. California Perfume Company, New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Contents, average (2 bottles), 114 cc; shortage, 3.6 per cent; solids (grams per 100 cc), 0.043; oil, by polarization, 1.4 per cent; oil, by precipitation, 1.6 per cent; alcohol, by volume, 68.7 per cent; no methyl alcohol; colored with a yellow coal-tar dye not Naphthol Yellow S. Adulteration was alleged against said product for the reason that a dilute extract of orange and yellow coal-tar dye and other foreign substances had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for

said article, and said substance had been colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, concentrated extract of terpeneless orange, when in fact it was not such, but a mixture including dilute extract of orange and other substances foreign to extract of terpeneless orange, and the representation on the label was therefore false and misleading, and calculated to deceive and mislead the purchaser.

The bottles containing the concentrated extract of vanilla and tonka were labeled: "Four Ounces Full Weight, Concentrated Extract of Vanilla and Tonka, For All Flavoring Purposes. These goods are Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 3909. California Perfume Company, New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Average contents (2 bottles), 127 cc, or 7.4 per cent over 4 fluid ounces; solids, by weight, 23.4 per cent; alcohol, by volume, 27.9 per cent; no methyl alcohol; vanillin, m. p. 78° C., 0.24 per cent; coumarin, 0.013 per cent; resins, amount very small; caramel present. Adulteration was alleged against said product because an imitation extract of vanilla, caramel, and other substances foreign to extract of vanilla and tonka had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article, and said substances had been colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, concentrated extract of vanilla and tonka, when in fact it was not such, but a mixture including an imitation extract of vanilla, caramel, and other substances foreign to extract of vanilla and tonka, and the representation on the label was therefore false and misleading, and calculated to deceive and mislead the purchaser.

The bottles containing the concentrated extract of almond were labeled: "Concentrated Extract of Almond for all Flavoring Purposes. These goods are Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 3909. California Perfume Company, New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Contents, average (2 bottles), 121.5 cc, or 2.7 per cent over 4 fluid ounces; solids (per 100 cc), 0.023 gram; alcohol, by volume, 38.2 per cent; no methyl alcohol; benzaldehyde (grams per 100 cc), 0.30; benzoic acid (by titration), none; colored with a yellow coal-tar dye. Adulteration was alleged against

said product for the reason that a dilute extract of almond and yellow coal-tar dye and other foreign substances had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article, and said substance had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, extract of almond, when in fact it was not such, but a mixture including dilute extract of almond and yellow coal-tar dye and other substances foreign to extract of vanilla, and the representation on the label was therefore false and misleading, and calculated to deceive and mislead the purchaser.

The bottles containing the concentrated extract of cinnamon were labeled: "Concentrated Extract of Cinnamon, For All Flavoring Purposes. These goods are Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial Number 3909. California Perfume Company, New York." Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Contents, average (2 bottles), 111 cc; shortage, 6.2 per cent; solids (grams per 100 cc), 0.35; alcohol, by volume, approximately, 55.1 per cent; no methyl alcohol; cinnamic aldehyde (per 100 cc), 1.65 grams; oil of cinnamon, calculated on basis of 75 per cent contents of cinnamic aldehyde, (grams per 100 cc), 2.2; colored with a yellow coal-tar dye. Adulteration was alleged against said product for the reason that a dilute extract of cinnamon and yellow coal-tar dye and other foreign substances had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article, and said substance had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged because said product was an imitation of and offered for sale under the distinctive name of another article, to wit, concentrated extract of cinnamon, when in fact it was not such, but was a mixture including dilute extract of cinnamon, and yellow coal-tar dye and other substances foreign to extract of cinnamon, and the representation on the label was therefore false and misleading, and calculated to deceive and mislead the purchaser.

On October 5, 1911, the defendant company pleaded guilty and was fined \$300.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 25, 1911.*