

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1830.

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

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### ADULTERATION AND MISBRANDING OF SO-CALLED VANILLA FLAVOR AND OF SO-CALLED LEMON FLAVOR.

On May 4, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Pure Coffee & Spice Co., a corporation, Dayton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on May 11, 1911, from the State of Ohio into the State of West Virginia—

(1) Of a quantity of so-called vanilla flavor which was adulterated and misbranded. The product was labeled: "Pure-a-fied Compound Vanilla For flavoring Ice Cream, Custards, Jellies, Pastry, Etc. Formula Vanilla Beans 0.40% Vanill'n 0.66% Coumarin 0.18% Alcohol 25% Caramel 0.76% Sugar 12% Water 61% Packed by The American Pure Coffee & Spice Co. Dayton—Ohio."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, 20.12 per cent; solids—Refractometer, 12.28 per cent; lead number, 0.088; resins, small amount; caramel, present; vanillin, 0.56 per cent; coumarin, 0.308 per cent. Adulteration was alleged in the information for the reason that the product was of inferior quality and was colored with caramel in a manner whereby such inferiority was concealed, to wit, in a manner so as to simulate a compound of vanilla beans, when in truth and in fact the product was not a compound of vanilla beans, but was a compound of vanillin, coumarin, and vanilla. Misbranding was alleged for the reason that the labels and brands on the product bore statements regarding it, which statements were false, misleading, and deceptive, to wit, the statement "Compound Vanilla" was false, misleading, and deceptive, as it conveyed the impression that the product was a compound made of vanilla beans, whereas in truth and in fact it was a compound

of vanillin, coumarin and vanilla artificially colored; and further the statements appearing on the label under the head "Formula," to wit: "Vanilla .40% Vanillin .66% Coumarin .18% Alcohol 25.00% Caramel .76% Sugar 12.00% Water 61.00%" were false and misleading, in that the product contained less sugar, less vanillin, and less alcohol than stated on the label, and contained a far greater percentage of coumarin than stated on the label, namely 0.308 per cent. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that it was a compound vanilla flavor made in accordance with the formula stated on the label, whereas in fact it contained less sugar, less vanillin, and less alcohol than stated in said formula, and contained a very small amount of the extractive matter from vanilla beans.

(2) Of a quantity of so-called lemon flavor, which was adulterated and misbranded. The product was labeled: "Pure-a-fied Compound Terpeneless Lemon For flavoring Ice Cream, Custards, Jellies, Pastry, Etc., Formula, Terpeneless Oil Lemon 0.3%, Alcohol 24.6%, Water 73.9%, Tumeric 1.2%, Packed by The American Pure Coffee & Spice Co., Dayton, O."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Polarization, 0.0; lemon oil, none; lemon oil precipitate, none; color, slightly—natural; citral, 0.025 per cent; alcohol, by volume, 26.9 per cent. Adulteration was alleged in the information for the reason that a substance containing little or none of the flavoring principles of lemon was mixed and packed as for and with said article so as to reduce or lower or injuriously affect its quality and strength, and in that said substance was substituted wholly or in part for the purified compound lemon which the product by its label purported to be. Misbranding was alleged for the reason that the labels and brands on the product bore statements, to wit, "Compound Lemon—Formula—Terpeneless Oil Lemon 0.3%," which statements were false, and misleading, and deceptive as they conveyed the impression that the product was an extract of terpeneless oil of lemon of 0.3 per cent strength, whereas in fact it did not contain the amount of terpeneless oil of lemon stated on the label and contained little or none of the flavoring principles of lemon. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that by the label and brand the product purported and was represented to be a lemon compound containing 0.3 per cent of the terpeneless oil of lemon, whereas in truth and in fact it contained only 0.025 per cent of citral derived from the oil of lemon.

On June 13, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 as to each of the counts contained in the information, together with the costs, aggregating \$66.20.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1912.*

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