

Issued March 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2052.

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

ADULTERATION AND MISBRANDING OF SO-CALLED SYRUP OF TAMARIND.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Joseph Finora, also known as I. G. Finora, doing business under the trade name of Finora & Co., San Francisco, Cal., alleging the sale and delivery for shipment under a written guaranty that the product was not adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, in violation of said Act, of a quantity of so-called syrup of tamarind, which said product, without having been changed in any particular, or the labels thereon, on August 2, 1911, was shipped from the State of California into the State of Nevada. The product was labeled: "The principal ingredients of this product were imported from Italy. Scioppo Tamarindo Trademark Reg. U. S. Pat. Office Negrotti Bertin & Lepori, Inc., San Francisco, Cal.," and the label also bore the impression of a girl drinking out of a glass and sitting on the bough of a tree bearing red flowers.

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (per cent by weight), 63.90; non-sugar solids (per cent by weight), 3.4; sucrose (by Clerget), 0.75 per cent; reducing sugars as invert before inversion, 59.75 per cent; polarization, direct temperature at 20° C., -14.0° V.; polarization, invert temperature at 20° C., -16.0° V.; ash, 0.36 per cent; total acidity as tartaric, 1.81 per cent; tartaric acid, 1.24 per cent; bitartrate of potassium, 0.60 per cent; color (caramel) re-

moved by fuller's earth, 96.00 per cent; phosphoric acid, trace; acetic acid, trace; alcohol, absent; specific gravity, 15.6° C., 1.33. Adulteration of the product was charged in the indictment for the reason that an imitation tamarind syrup had been mixed and packed with genuine tamarind syrup so as to reduce, lower, and injuriously affect its quality and strength, and an imitation tamarind syrup had been substituted for the genuine tamarind syrup; in that said syrup contained little or no extract of the pulp of tamarind which should be contained in tamarind syrup; and that there had been substituted in place of the tamarind syrup sugar syrup, tartaric acid, and coloring matter. Misbranding of the product was charged in the indictment for the reason that the label on each of the bottles containing the so-called "Scioppo Tamarindo" was false and misleading, in that the said label and the words and impressions thereon would give to the purchaser the impression that the product was a foreign product, and said labels were calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, and by and through said labels and the impressions and words thereon the product purported to be a foreign product, whereas in truth and in fact it was not a foreign product, but was a domestic product and manufactured within the United States; that said labels were false and misleading, in that they and the words and impressions thereon would give to the purchaser thereof the impression that the product was genuine syrup of tamarind, whereas in truth and in fact it was an imitation of syrup of tamarind, artificially colored and flavored; that the labels were false and misleading, in that they would give to the purchaser of the product the impression that the ingredients of the said product were imported from a foreign country, to wit, Italy, whereas in truth and in fact very little, if any, of the ingredients used were products of Italy.

On July 10, 1912, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$100.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 30, 1912.*

