

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2529.

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

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**U. S. v. Charles Jacquin et Cie. Plea of guilty. Sentence suspended.**

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### ADULTERATION AND MISBRANDING OF ESSENCE OF WINTERGREEN.

On August 8, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Jacquin et Cie, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on November 12, 1910, from the State of New York into the State of New York, of a quantity of essence of wintergreen which was adulterated and misbranded. The product was labeled: "Charles Jacquin et Cie., Inc., N. Y. Ess. Wintergreen \* \* \* Serial No. 1120 Liqueur Superfine Made in New York. Bottled by Charles Jacquin et Cie. Inc., New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, per cent by volume, 47.20; specific gravity, 15.6°/15.6° C., 0.9381; solids, grams per 100 cc., 0.014; methyl salicylate (by saponification), per cent by volume, 0.21; colored with two coal-tar dyes (light green S F; yellowish and naphthol yellow S). This is not an essence of wintergreen for the reason that the amount of oil of wintergreen contained therein is less than 3 per cent by volume. The presence of coal-tar color conceals its inferiority. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a dilute essence of wintergreen, had been mixed and packed with it in such manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, a dilute essence of wintergreen, had been substituted wholly or in part for the

product, and further, in that it was colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label and package of the product bore the statement "Ess. Wintergreen," which statement was false and misleading because it would mislead and deceive the purchaser into the belief that the product was a genuine essence of wintergreen, whereas, in truth and in fact, it was but a dilute essence of wintergreen, and it was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Ess. Wintergreen," it being represented by said statement that the product was a genuine essence of wintergreen, whereas, in truth and in fact, it was a dilute essence of wintergreen.

On October 14, 1912, the defendant company entered a plea of guilty to the information and the court suspended sentence. Shipment in this case was made from the State of New York, through the States of New Jersey and Pennsylvania, into the State of New York.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 15, 1913.*