

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2598.

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

U. S. v. Brechet & Richter Co. Plea of guilty. Fine, \$1.

ADULTERATION AND MISBRANDING OF PIE FILLING.

On April 7, 1913, the United States Attorney for the District of Minnesota, 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 Brechet & Richter Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 21, 1911, from the State of Minnesota into the State of Colorado of a quantity of lemon pie filling and vanilla pie filling which was adulterated and misbranded. The lemon pie filling was labeled: "Brechet & Richter's concentrated powder lemon pie filling * * * Contains no preservative or harmful color, or questionable ingredient of any kind whatsoever * * * Manufactured by Brechet & Richter Company, 212 Fifth Street North, Minneapolis, Minnesota. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 27403."

Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Moisture, 9.51 per cent; sucrose, by Clerget, 14.02 per cent; polarization direct at 22.2° (°V.), +13.30; polarization invert at 23° (°V.), -5.20; polarization invert at 87° (°V.), 0.0; ash, 1.19 per cent; alkalinity of ash (cc N/10 acid per 100 grams), 25.00; acids as tartaric, 3.55 per cent; color, Naphthol Yellow S; sodium chlorid, 1.09 per cent; lemon oil, trace; tartaric acid, qualitative test, positive; citric acid, qualitative test, negative. Microscopic examination shows corn starch; lecithin P₂O₅ (mg. per 100 grams), 4.10. Adulteration of the product was alleged in the information for the reason that it was mixed, colored, and stained with a coal-tar dye known as Naphthol Yellow S in a

manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "concentrated powder lemon pie filling," which appeared on the label, was false and misleading, in that by said label and brand the product purported and was represented to be a concentrated preparation of lemon, whereas, in truth and in fact, it was not a concentrated preparation of lemon, but was an imitation pie filling composed of and made from corn starch, sugar, and tartaric acid and colored with coal-tar dye and containing a trace of lemon oil.

The vanilla pie filling was labeled: "Brechet & Richter's concentrated powder vanilla pie filling * * * Contains no preservatives or harmful odor, or questionable ingredient of any kind whatsoever, * * * Manufactured by Brechet & Richter Company, 212 Fifth Street North, Minneapolis, Minnesota, Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 27403."

Analysis of a sample of this product by said Bureau showed the following results: Moisture, 8.79 per cent; ether extract (largely fat), 0.10 per cent; sucrose, by Clerget, 13.13 per cent; polarization direct 22.4° C. (°V.), +13.00; polarization invert at 26.4° C. (°V.), -4.00; polarization invert at 37° C. (°V.), 0.00; ash, 1.33 per cent; alkalinity of ash (cc N/10 acid per 100 grams), 25.00; acidity (cc N/10 alkali per 100 grams), 10.00; sodium chlorid, 1.21 per cent; qualitative test for coumarin, negative; vanillin, 0.033 per cent; no evidence of other vanilla products such as seeds, etc. Microscopic examination shows corn starch. Adulteration of the product was alleged in the information for the reason that a substance, to wit, vanillin, had been substituted wholly or in part for vanilla. Misbranding was alleged for the reason that the statement "vanilla pie filling", which appeared on the label, was false and misleading, in that by said label and brand the product purported and was represented to be a product which contained vanilla as a flavoring basis, whereas, in truth and in fact, the flavoring basis of said product was vanillin, and said vanilla pie filling was further misbranded in that the statement "concentrated powder vanilla pie filling", which appeared on the label, misled and deceived the purchaser into the belief that it was a concentrated preparation of vanilla, whereas, in truth and in fact, it contained but little, if any, vanilla, and a substance, to wit, vanillin, had been substituted wholly or in part for vanilla as a flavoring basis of said product.

On April 7, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$1

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 17, 1913.*