

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2705.

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

U. S. v. Hudson Manufacturing Co. Information held insufficient by the court. Dismissed.

ALLEGED ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On December 30, 1910, the United States Attorney for the Northern District of Illinois, 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 Hudson Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on November 27, 1909, from the State of Illinois into the State of Texas, of a quantity of vanilla extract which was alleged to have been adulterated and misbranded. The product was labeled: "Hudson's Prime Vanilla Extract. Made by The Hudson Manufacturing Co., Chicago, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Vanillin, 0.58 per cent; coumarin, none; color, amyl alcohol test, caramel present; resins, small amount; lead acetate precipitate, small amount. Adulteration of the product was alleged in the information for the reason that certain substances, to wit, vanillin, coumarin, and alcohol, colored with caramel, had been substituted wholly or in part for the vanilla extract, thereby reducing, altering, and injuriously affecting its quality and strength; and further in that a substance, to wit, a solution of vanillin, coumarin, and alcohol, colored with caramel, had been substituted in whole or in part for the product. Misbranding was alleged for the reason that the product was an imitation of another article, to wit, pure vanilla extract, and for the further rea-

son that said product was offered for sale under the distinctive name of another article, to wit, pure vanilla extract, and further in that it was invoiced and sold to the dealers as vanilla extract, whereas, in truth and in fact, it was not vanilla extract but an imitation thereof, consisting of vanillin, coumarin, and alcohol, colored with caramel. (It will be noted that, while it was alleged in the information that coumarin was present in the product, the analysis showed that no coumarin was present.)

On February 7, 1911, the defendant company entered a plea of not guilty to the information. On February 17, 1913, the case having come on for hearing, after argument by counsel, the court dismissed the information for insufficiency.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 6, 1913.*

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