

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2719.

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

U. S. v. Fritz Thies. Plea of guilty. Fine, \$1 and costs.

ADULTERATION AND MISBRANDING OF PEPPERMINT.

On April 30, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fritz Thies, as president and manager of the Fritz Thies Mercantile Co., a corporation, Denver, Colo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 8, 1911, from the State of Colorado into the then Territory, now State, of New Mexico, of a quantity of peppermint which was adulterated and misbranded. The product was labeled: "Peppermint, Guaranteed not to be adulterated or misbranded within the meaning of the National and State Pure Food Laws. The Fritz Thies Mercantile Co."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity at 15.6° C., 0.92962; solids (grams per 100 cc), 0.055; oil of peppermint by precipitation, trace; oil by Howard's method, 0.18 per cent; alcohol, 52.3 per cent; methyl alcohol, none; dye, reaction of Naphthol Green B. S. & J. No. 398; odor and flavor indicate dilute alcoholic solution of oil of peppermint. Adulteration of the product was alleged in the information for the reason that alcohol and water and a coal-tar dye, namely, Naphthol Green B, had been mixed with said product so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that alcohol and water and said coal-tar dye had been substituted in part for peppermint, and

for the further reason that said product had been colored with said coal-tar dye, whereby the inferiority of the article was concealed. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, namely, peppermint. Misbranding was alleged for the further reason that the labels on the outside of the packages of the product were false and misleading, and so worded as to deceive and mislead the purchaser into believing that the product was pure peppermint extract, whereas, in truth and in fact, it was not pure peppermint extract, but on the contrary was a dilute alcoholic solution, artificially colored, containing only a trace of peppermint.

On May 27, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$1 and costs.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 7, 1913.*

